



## Saint Paul Planning Commission

City Hall Conference Center Room 40  
15 Kellogg Boulevard West

### Agenda

Christopher B. Coleman,  
Mayor

February 13, 2015  
8:30 – 11:00 a.m.

Saint Paul  
Planning Commission

Chair

Barbara A. Wenzel

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

**I. Approval of minutes of January 30, 2015.**

**II. Chair's Announcements**

**III. Planning Director's Announcements**

**IV. PUBLIC HEARING: District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study – Item from the Neighborhood Planning Committee.**  
*(Josh Williams, 651/266-6659)*

**V. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

**NEW BUSINESS**

#15-002-935 Jerry Walczak – Reestablishment of nonconforming use to construct a new duplex. 1438 Edmund Avenue between Pascal and Albert.  
*(Josh Williams, 651/266-6659)*

#14-355-570 West Grand Avenue Apartments – Site plan review for a new 14-unit apartment building. 2138-46 Grand Avenue. *(Tom Beach, 651/266-9086)*

**VI. Neighborhood Planning Committee**

Minor Zoning Text Amendments to Chapters 60-62 & 65 – Forward report and draft zoning minor text amendments to Chapters 60, through 62, portions of Chapters 63 and 65 to Mayor and City Council for approval. *Jake Reilly, 651/266-6618)*

**VII. Comprehensive Planning Committee**

**VIII. Transportation Committee**

**IX. Communications Committee**

**X. Task Force/Liaison Reports**

**XI. Old Business**

Planning Director  
Donna Drummond

Pat Connolly  
Anne DeJoy  
Daniel Edgerton  
Gene Gelgelu  
William Lindeke  
Kyle Makarios  
Melanie McMahon  
Gaius Nelson  
Rebecca Noecker  
Christopher Ochs  
Trevor Oliver  
Julie Padilla  
Emily Shively  
Terri Thao  
Wendy Underwood  
Jun-Li Wang  
David Wickiser

**XII. New Business**

**XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://www.stpaul.gov/ped), click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &  
Heritage Preservation Commission  
MASTER MEETING CALENDAR**

**WEEK OF FEBRUARY 9-13, 2015**

**Mon (9)**

**4:00- Transportation Committee**  
**5:30 p.m. (Hilary Holmes, 651/266-6612)**

**13<sup>th</sup> Floor – CHA**  
**25 Fourth Street West**

Initiation and Community Advisory Group for Highway 5/Shepard Road Study – Michelle Beaulieu, PED

Third Street Reconstruction – Barb Mundahl, Public Works

Citywide Bike Plan – Reuben Collins, Public Works  
\*\*\*Committee Action Requested

**Tues (10)**

**3:30- Comprehensive Planning Committee**  
**5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)**

**HAS BEEN CANCELLED**

**Weds (11)**

**Thurs (12)**

**5:00 p.m. Heritage Preservation Commission**

**Room 40 City Hall**  
**Lower Level**  
**Enter building on 4<sup>th</sup> Street**  
**15 W. Kellogg Blvd.**

**New Business**

**Gateway Bus Rapid Transit (BRT) informational presentation** by Gateway BRT project team led by Washington County Regional Rail Authority.

**Pre-Application Review**

**172 Fourth Street East – TPT, Lowertown Heritage Preservation District**, by JoAnn Hawkins, Twin Cities Public Television, for preliminary review of exterior alterations including: new signage, windows, lighting, and mural with sculptural elements. (Spong, 651/ 266-6714)

**New Business (continued)**

**Gateway Station area Planning – Mounds Station area Plan informational presentation** (Bill Dermody, 651/266-6617)

**Federal Communications Commission (FCC) Rules Update informational presentation** (*Bill Dermody, 651/266-6617*)

**Staff presentation on regulatory tools for preventing loss of historic resources** (*Spong, 651/266-6714*)

**Fri (13)**

**8:30- Planning Commission Meeting**  
**11:00 a.m.** (*Donna Drummond, 651/266-6556*)

**Room 40 City Hall**  
**Conference Center**  
**15 Kellogg Blvd.**

**PUBLIC HEARING:** District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study – Item from the Neighborhood Planning Committee.  
(*Josh Williams, 651/266-6659*)

**Zoning..... SITE PLAN REVIEW** – List of current applications. (*Tom Beach, 651/266-9086*)

**NEW BUSINESS**

#15-002-935 Jerry Walczak – Reestablishment of nonconforming use to construct a new duplex. 1438 Edmund Avenue between Pascal and Albert.  
(*Josh Williams, 651/266-6659*)

#14-355-570 West Grand Avenue Apartments – Site plan review for a new 14-unit apartment building. 2138-46 Grand Avenue. (*Tom Beach, 651/266-9086*)

**Neighborhood Planning Committee.....**

Minor Zoning Text Amendments to Chapters 60-62 & 65 – Forward report and draft zoning minor text amendments to Chapters 60, through 62, portions of Chapters 63 and 65 to Mayor and City Council for approval. (*Jake Reilly, 651/266-6618*)



**The Planning Commission  
minutes from the  
Public Hearing on Friday,  
January 31, 2015 are not  
ready for your review.**

**Thank you,  
Sonja Butler** 



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-266-46549

**Date:** December 5, 2014  
**To:** Planning Commission  
**From:** Neighborhood Planning Committee  
**RE:** The District 11 Hamline Midway Mixed-Use Corridors 40-Acre Zoning Study

---

### **Background**

The Hamline Midway Zoning Study was initiated by Saint Paul Planning Commission Resolution 13-58 in December of 2013 (see attached). Per the authorizing resolution, the zoning study has looked at blocks with frontage on Snelling and Hamline Avenues between University Avenue and Pierce Butler Route, and at blocks with frontage on Thomas and Minnehaha Avenues between Hamline and Snelling.

The purpose of this update memorandum is to provide an overview of the zoning study process, lay out recommendations, and request that the zoning study and recommendations be sent on the full Planning Commission to release for comment and set a public hearing date.

### **Zoning Study Process**

As noted the, Planning Commission initiated the study in late 2013, based on a request from District 11, the Hamline Midway Coalition (HMC). At the same meeting, the Planning Commission released and set a public hearing date for the Hamline Midway Community Plan. That plan, which was adopted as an addendum to the Comprehensive Plan by the City Council in May 2014, was a summary document, developed by City staff from a longer plan originally written by D11/HMC board and committee members and volunteers. While the adopted plan includes relatively little discussion of the requested zoning study, more extensive discussion of zoning issues was found in the original plan document developed by D11/HMC. The study area, as described in the authorizing resolution, was identified based on the original D11/HMC document as well as City staff discussions with the D11/HMC staff and the Ward 4 office.

In September, letters were sent to owners of properties recommended here for rezoning and notifying them of the potential recommendation. Minimal responses were received.

In evaluating the current zoning and developing recommendations for changes to zoning in the study area, staff considered a number of factors. These included past, current and planned future land use, parcel size and configuration, building types, regulation of college campuses, planned transit improvements, and general market trends, as well as City plans for the area. For purposes of discussion, the study area has been broken into sets of subareas along Snelling and Hamline, as shown on Maps 1 and 2 (attached).

### **Findings: Snelling (Areas 1, 2, and 3)**

## Current Land Use, Zoning, and Building Types

Snelling Avenue in the study area is currently characterized by a mix of commercial, residential and institutional uses, with one and two-story commercial buildings generally predominate. On most blocks, the parcels facing Snelling are about 120' deep, and are separated from single-family and duplex housing along the cross streets by a north-south oriented alley. The west side of Snelling is characterized by detached low-density residential structures between Edmunds and Pierce Butler Route on the north end of the study area (Area 1) and on the first block and a half going north from Thomas Avenue (Area 2). Everything north of Englewood Avenue on the east side of Snelling is part of the Hamline University Campus. On the west side, the block between Englewood and Hubbard is occupied by Hamline Elementary and the Hancock Recreation Center.

All parcels along Snelling in Area 1 are currently zoned RM2 multifamily, with the exception of the small motel (2 parcels) on the west side of Snelling at Pierce Butler Route, which is zoned B3 general business. Area 2 parcels along Snelling are all presently zoned B2 community business, except for the city park between Lafond and Thomas, which is currently zoned T2.

Minnehaha Avenue between Snelling and Asbury (Area 2, immediately east of Snelling) is lined by single family homes on the north side and the Hamline Library and the now-vacant Knox Presbyterian Church on the south. The library and church parcels are presently zoned R4 one-family residential.

Area 3 also includes the site of the former Samaritan Hospital site, which occupied a block bounded by Thomas Avenue on the north, Simpson Street on the east, Charles Avenue on the south, and Asbury Street on the west. Edmund Avenue is vacated between Asbury and Simpson, forming a superblock. It is presently zoned RM2 Multifamily. Samaritan Hospital itself occupied the southern portion of the superblock. Later, an accessory medical office building and parking ramp were built on the northern half of the block. At the time it was built, hospitals were allowed in residential districts. In the early 1990s, the former Samaritan Hospital was demolished and townhomes were constructed on the site. The medical office building and parking ramp became legally nonconforming primary uses. The office building continues to be use for that purpose. However, this use only generates demand for approximately 100 off-street parking spaces, while the ramp, built to serve the hospital as well, has 327 spaces. In April of 2014, the Planning Commission approved an establishment of nonconforming use permit for use of the parking ramp for vehicle storage. The portion of Area 3 between Snelling Avenue and the Samaritan Hospital site and Snelling Avenue is primarily a mix of multifamily and single family residential, and is zoned RM2. The parcels on fronting on Snelling in Area 3 were rezoned to T2 as part of the Central Corridor zoning study.

## Comprehensive Plan, District Plan, and Future Land Use

The future land use map in the Land Use Chapter of the Comprehensive Plan identifies Snelling Avenue, including the entirety of all blocks on the east side of Snelling in the area, as a Mixed Use Corridor (Areas 1, 2, and 3). The map identifies the intersection of University and Snelling (Area 3) as a Neighborhood Center. All of the land within Area 3 is also located within the station area planning boundary, as defined by the 2008 Snelling Station Area Plan. The Comprehensive Plan describes Mixed Use Corridors as being primary thoroughfares served by transit. Neighborhood Centers are described as compact mixed use areas located adjacent to major intersections and served by transit. Outside of Downtown, the Comprehensive Plan identifies Mixed Use Corridors and Neighborhood Centers as having the highest residential densities in the City. Strategies 1.12 and 1.21 of the of the Land Use Chapter call for balancing the density and scale of development to accommodate growth and provide housing at densities that support transit in, respectively, Neighborhood Centers and Mixed-use Corridors. Strategies 1.15 and 1.24, respectively, call for a mix of uses in these areas.

Land Use Strategies LU 1.1 and 1.2 of the Hamline Midway Community Plan call for zoning studies to evaluate the appropriateness of rezoning from business to traditional neighborhood designations throughout the district and along Snelling Avenue in particular. Strategy LU 1.3 calls for identifying redevelopment opportunities in the district. Strategies LU 2 and LU 5 call for pedestrian scale development and appropriate transitions between “disparate land uses”, respectively.

### Analysis and Recommendations

Recent and planned transit improvements were a key consideration of this zoning study. The Green Line LRT on University Avenue is now operational. In 2015, the planned opening of the A Line arterial BRT will provide improved service on Snelling and link it to the Blue Line, via Ford Parkway and, in Minneapolis, 46<sup>th</sup> Street. Also, in addition to BRT-related infrastructure, the Snelling Avenue Multi-modal Study (completed by MnDOT in early 2013) identified recommendations on better accommodating bikes and pedestrians within the corridor and improving safety and mobility, although time lines and funding for improvements aren’t clear.

Arterial BRT will not only bring better service to Snelling, but also establish Snelling as a key north-south link and reaffirm Snelling and University as a key node in that system, drawing growth and investment to the node at University and the entire length of Snelling considered in this study.

Zoning along the Snelling Avenue corridor needs to accommodate growth and intensification of both residential and commercial uses, consistent with its designation as a Mixed-Use Corridor and with the investment that improved transit service should bring over time. The physical form of future development along the corridor should also enhance the multi-modal nature of the corridor through building design and site configuration. T2 Traditional Neighborhood zoning provides for development densities similar to those allowed under the current B2 Community Business, B3 General Business, and RM2 Multifamily Residential designations. It also provides for step downs in allowed height near lower density residential properties to soften transitions from these to more intense types of land uses. T2 Traditional Neighborhood is recommended for all parcels on the west side of Snelling within Areas 1 and 2 and on the east side of Snelling within Area 2, with the exception of Hamline Park between Thomas and Lafond, which is already T2 Traditional Neighborhood.

North of Englewood Avenue on the east side of Snelling are two large parcels owned by Hamline University (Area 1), which are currently zoned RT1 Two-Family Residential. These parcels are part of the Hamline University campus as defined by conditional use permit (CUP) which regulates campus boundaries, uses, building heights, and parking for Hamline University. The conditional use permit allows for use within the campus boundary, such as classroom buildings, dormitories, offices, etc. that would not otherwise be allowed under the base zoning. The campus boundaries may only be expanded with approval of the Planning Commission. The present base zoning and CUP are sufficient to allow continued development of and investment in the Hamline University campus. However, development standards for college and university campuses, codified in Chapter 65 of the zoning code and enacted through the CUP, require setbacks of 50 feet from all property lines, with additional setbacks for building heights above 50 feet. Such large setbacks are not appropriate along Snelling, nor do they reflect how the campus has been built out, including the recently constructed student center just north of Englewood, which required a CUP modification for reduced setback. No change to the present zoning is recommended. However, as an alternative, a change to a T1 base zoning could also be considered. This would remove the need for a CUP for most of the existing campus, and would apply T1 dimensional standards.

In Area 2, the Hamline Library and the former Knox Presbyterian Church are located along the south side of Minnehaha Avenue, just east of Snelling. Reuse of the church building is limited by the present R4 One-Family Residential zoning. A T2 Traditional Neighborhood designation would allow reuse of the building for a variety of commercial and residential uses, and is recommended. It is assumed that the

Hamline Library will remain in operation and under the ownership of the City for the foreseeable future, and the inclusion of the library parcel in the rezoning to create a contiguous zoning district is recommended.

In Area 3, the parcels along Snelling, as well as several along Thomas Avenue, were, as noted, previously rezoned to T2 Traditional Neighborhood. Also as previously noted, the Samaritan Hospital site and the remainder of Area 3 between it and Snelling are within the defined station area planning boundary in the Snelling Station Plan, and are within a quarter mile (5 minute walk) of the Snelling Green Line LRT station. Rezoning of this entire area (as shown on Map 1) to T2 Traditional Neighborhood is recommended.

The portion of Area 3 generally west of Asbury (it includes one parcel on the east side of Asbury on the south side of Sherburne) is well within walking distance of the Snelling LRT station and should be considered part of the Neighborhood Center identified on the future land use map of the Comprehensive Plan. T2 Traditional Neighborhood zoning would be compatible with all existing uses, and would provide for flexibility in potential redevelopment as the level of transit service in the area continues to improve and land use in the station area generally intensifies as projected during planning for the Central Corridor. The office building on the former Samaritan Hospital site would become a conforming use under T2 zoning. Including the site in the proposed rezoning would also provide create a contiguous district and provide flexibility in potential future redevelopment of the site.

#### **Findings: Hamline (Areas 4, 5, and 6)**

##### **Current Land Use, Zoning, and Building Types**

At the intersections of Hamline with Thomas (Area 6) and Minnehaha Avenues (Area 4), one- and two-story commercial uses (with second floor multi-family residential) occupy three of four corners, and are zoned B2 community business. At Minnehaha, Horton Park is located on the northwest corner and at Thomas a duplex, presently zoned RT1 two-family, occupies the northwest corner. The rest of Hamline within the study area is lined by single-family homes oriented to the cross streets, with two notable exceptions. At Van Buren (Area 4), Dreamland Arts, a small gallery and performance space, occupies a one-story commercial building facing Hamline; the building shares a lot with and is attached to a single family home that faces Van Buren, which is occupied by the owner/proprietor of Dreamland Arts. The parcel is currently zoned B1 local business. The former Saint Columba parish school occupies the entire eastern side of Hamline between Lafond and Blair (Area 5). The school building shares a large parcel (approximately 2/3 of the block bounded by Hamline, Blair, Syndicate and Lafond) with the Church of Saint Columba, which is located to the east along Lafond. The church is still in active use. The parcel shares R4 one-family zoning with the surrounding properties.

##### **Comprehensive Plan, District Plan, and Future Land Use**

The future land use map in the Land Use Chapter of the Comprehensive Plan identifies Hamline Avenue (Areas 4, 5, and 6) as a Residential Corridor. Thomas Avenue (including portions in Area 3) and Minnehaha Avenue (portions in Area 1) are not identified as corridors, and are considered part of the surrounding Established Neighborhoods except where they intersect with Neighborhood Centers and identified corridors. Residential Corridors are described in the Comprehensive Plan as segments of streets that run through Established Neighborhoods and that are characterized predominantly by medium density residential uses. Established Neighborhoods are described in the Comprehensive Plan as being predominantly residential, with a variety of housing types and scattered, neighborhood serving commercial and service uses.

As noted previously, land use strategy LU 1.1 of the Hamline Midway Community Plan call for zoning studies to evaluate the appropriateness of rezoning from business to traditional neighborhood designations throughout the district. Strategy LU 1.3 calls for identifying redevelopment opportunities in the district. Strategies LU 2 and LU 5 call for pedestrian scale development and appropriate transitions between “disparate land uses”, respectively.

### Analysis and Recommendations

Commercial uses are generally relatively limited along Residential Corridors and in Established Neighborhoods. Where commercial uses do exist, underlying zoning should support the continuance of uses—and establishment of new uses on existing commercial sites—that are generally compatible with the surrounding neighborhood and provide locally-consumer goods and services. Zoning should also reflect building scale and form and site design requirements consistent with the character of the surrounding neighborhoods.

Area 4 includes the existing commercial node at Minnehaha and Hamline, as well as the Dreamland Arts site at Hamline and Van Buren. The commercial node at Thomas is currently zoned B2 Community Business. The recommended rezoning to T2 Traditional Neighborhood would generally allow a similar range and intensity of uses, and apply similar dimensional and density standards. However, in the event of redevelopment, T2 zoning would require site and building design more consistent with traditional neighborhood storefront designs. It would also provide property owners with the flexibility in use of properties for which finding viable commercial uses can be difficult. A similar cluster of B2 zoned commercial properties exists in Area 6, at the intersection of Hamline and Thomas. For similar reasons, rezoning to T2 is recommended here as well. However, Area 6 also includes a duplex property, currently zoned RT1 Two-Family Residential. Rezoning to T2 would allow for continued residential use or the potential conversion of the space to a commercial use.

Dreamland Arts and the attached residential structure are currently zoned B1 Local Business. The business is generally regarded as a gallery for zoning purposes. However, it also functions as a very small scale theater. A theater would be allowed under the proposed T2 zoning, as would the attached residence. Although the change in zoning would technically allow a more potentially intense set of uses and more building mass on the site, the small size of the parcel is a practical limitation on the potential for uses of a type and scale that would be incompatible with surrounding uses.

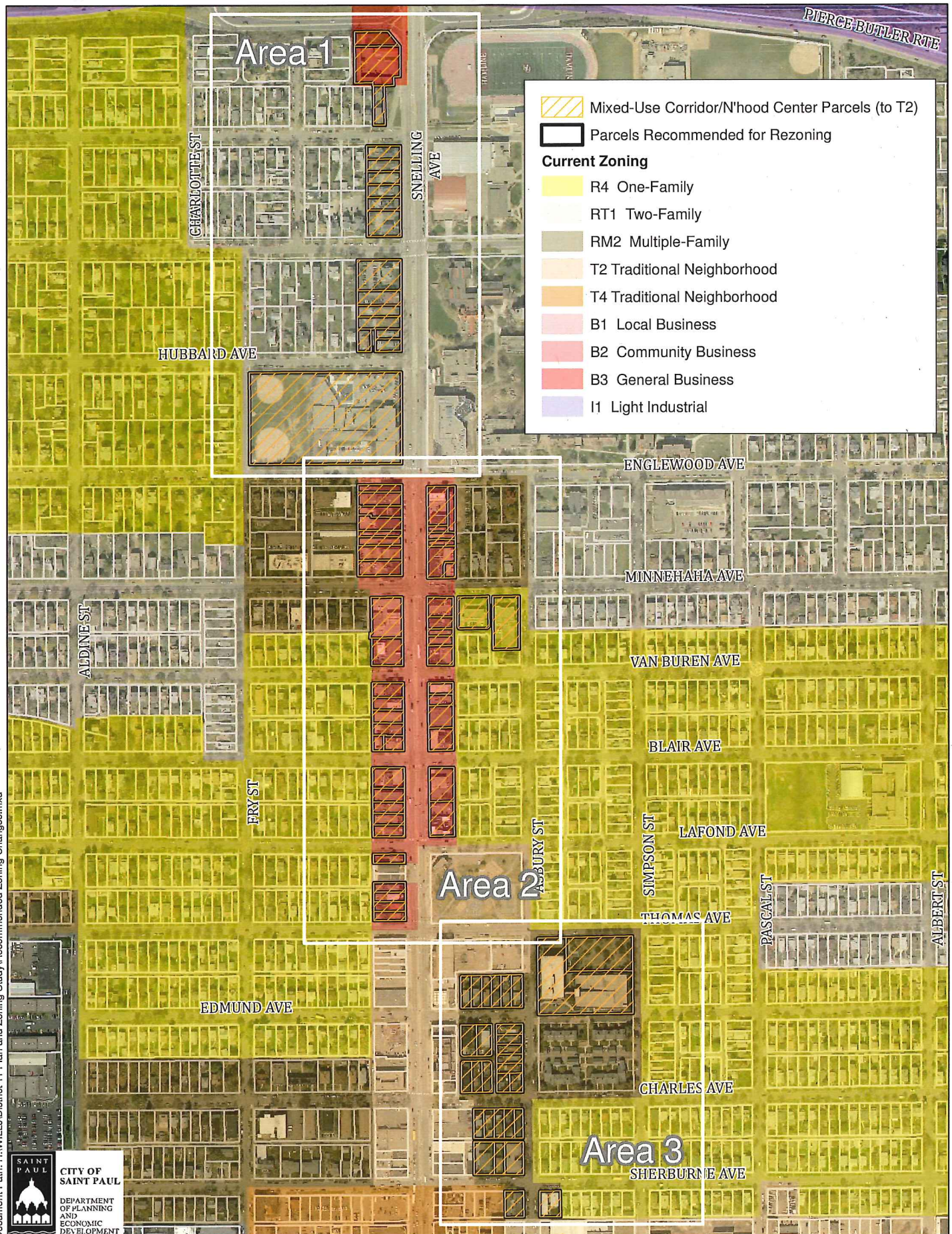
As noted, Area 5 consists of the St. Columba church and former parish school. Under the present R4 One-Family Residential zoning, options for reuse of the vacant building are limited, even under the provisions for reuse of large structures in Chapter 65 of the zoning code. Under the proposed T1 Traditional Neighborhood zoning, the building could be put back into use as a school, converted to multifamily housing, or used for office space for community, non-profit, and service organizations. It should be noted that parking may not be sufficient for a multifamily use.

### REQUESTED ACTION

1. Release the District 11 Hamline Midway Mixed-Use Corridors 40-Acre Zoning Study for public review and set a public hearing date of February 13, 2015.

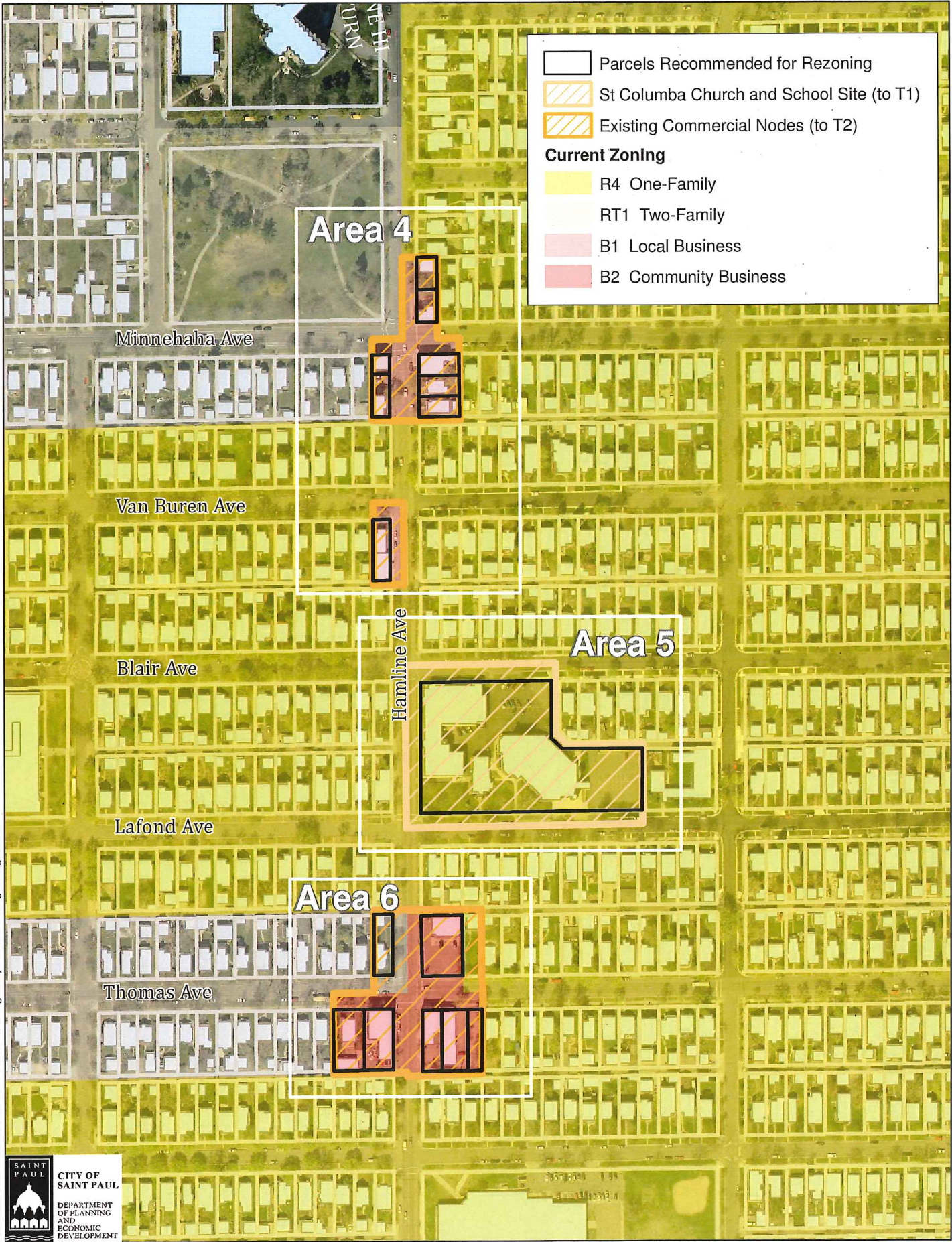


# Map 1: Recommended Zoning Changes - Snelling Avenue





# Map 2: Recommended Zoning Changes - Hamline Avenue







CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## SITE PLAN REVIEW COMMITTEE

**Tuesday, February 17, 2015  
2nd Floor Conference Room  
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Sunlight Senior Living 400 N Western Avenue 16,000 square foot addition to existing assisted living facility
9:45	Cesar Chavez Charter School 1800 Ames 36,000 square foot addition to existing school building and parking lot
10:30	Shepard Davern Development Phase 1 2751 Davern (at Shepard) 210 apartment units with 290 indoor parking spaces

### **Applicants should attend this meeting.**

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and email you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

### **Parking**

A few free parking spaces are available in our visitor parking lot off of 6<sup>th</sup> Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4<sup>th</sup> and 5<sup>th</sup> Street.

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

**FOR THE FULL ZONING COMMITTEE AGENDA SECTION**

**of this packet go to the link below:**

**<http://stpaul.gov/index.aspx?NID=3436>**

**Thank you**

**Sonja Butler**

**Planning Commission Secretary/Office Assistant IV**

**1400 City Hall Annex**

**25 Fourth Street West**

**Saint Paul, MN 55102**

**651-266-6573**



**CITY OF SAINT PAUL**  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-228-3220

DATE: February 6, 2015  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of February 5, 2015, Zoning Committee Hearing

**NEW BUSINESS**

- 1 **Jerry Walczak ( 15-002-935 )**  
Reestablishment of nonconforming use to construct a new duplex

**Address:** 1438 Edmund Ave  
between Pascal and Albert

**District Comment:** District 11 requested a lay over

**Support:** 0 people spoke, 0 letters

**Opposition:** 2 people spoke , 13 letters

**Hearing:** open

**Motion:** Laid over to February 19, 2015

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Laid Over ( 7 - 0 )

- West Grand Avenue Apartments ( 14-355-570 )**  
Site plan review for a new 14-unit apartment building

**Address:** 2138 - 2146 Grand Avenue  
Between Finn and Cretin

**District Comment:** District 14 made no recommendation

**Support:** 0 people spoke, 0 letters

**Opposition:** 1 person spoke, 1 person recommended a condition, 2 letters

**Hearing:** closed

**Motion:** Recommended approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions ( 7 - 0 )

Michael Murphy  
Patricia Murphy  
1440 Edmund Ave  
St Paul, MN 55104

2/4/2015

To whom it may concern:

We received a notice that there was an upcoming hearing regarding the status of rebuilding 1438 Edmund. We thought it would be a good idea to share some of the experiences we have had in our time here.

We have lived next door to 1438 Edmund since December 2011. As new homeowners we were very excited to be moving on to what seemed to be a quiet street. We were aware that 1438 was a rental but having just been renters ourselves we didn't make any assumptions about the type of people that we would be living next door to. Overall, the first winter was pretty quiet but then as it started to warm up we realized the situation we were in. The duplex was occupied by one big family. Over the summer of 2012 we experienced and witnessed: domestic disturbances, screaming children, loud music at all hours, drug use and distribution by the tenants, littering, abandoned vehicles, etc. Having not met the owner at that point, we made several calls to St Paul PD. Things would quiet down for a day or so, then kick right back up. Eventually the tenants figured out it was likely us who were calling the police and they became hostile towards us. There was an incident on Mother's Day where Patricia asked one of their young children (running and screaming in their yard well after dark) to please keep it down. The child then went inside to tell their parent/grandparent. At that point the tenant stormed out of their house, yelling obscenities and threats toward us to the point where we had to sneak out of our backyard and meet the police up the block. Soon after that is when we first met Jerry and he assured us he was trying to kick them out. They moved out over that summer, if I remember correctly.

The next renters were better. Looked like a mother, 2 kids, and a dog. Jerry had moved in to the bottom duplex. Within a month of moving in, the mother approached us to ask if we had seen her dog that had apparently been in the house when she left, but was now missing. She accused Jerry of doing something to the dog. A few days later they packed up and moved out.

The final tenants before the fires were Jerry on the bottom still, and a small family with 2-3 kids upstairs. They were a very disrespectful bunch of people, much like the first set of tenants. There were constantly strange cars stopping out front, and the mother would allow the children to throw trash out of the 2<sup>nd</sup> story window into our yard. They were home when the first fire started, and only came back to clean out their belongings.

The interactions overall that we have had with Jerry have been polite, but brief. He was constantly making apologies for his tenants' behavior, but seemed to take very little action to have them removed in a timely manner.

After the fires, we were heavily questioned by fire investigators, police, and insurance representatives. We had the opportunity to testify that we saw Jerry in the house the morning of the second fire, but declined due to the fact that we were only about 75% sure that we saw him before the fire started. We did not feel right with the possibility of wrongfully accusing someone of a crime, regardless of the past experiences we have had.

In the time since the house has been knocked down, we have seen Jerry only a handful of times working in the garage. Having the house unoccupied and eventually removed has made our quality of life infinitely better. We were unaware that our block was zoned for single-family homes until now, and we would really like to see that happen with the rebuild, even though we originally did sign the petition Jerry went door-to-door with.

Please don't hesitate to call or email with any further questions. Thanks for the opportunity to let us share our experiences.

Sincerely,

Michael and Patricia Murphy

612-462-3496

612-385-7737

**From:** Scott Walters [<mailto:SWalters@halsaadvisors.com>]  
**Sent:** Wednesday, February 04, 2015 11:40 AM  
**To:** Michael Jon Olson  
**Cc:** Kim Hunter; Stark, Russ (CI-StPaul); Beach, Tom (CI-StPaul)  
**Subject:** Edmund Property Update

Dear Michael Jon,

Here is my summary of the situation:

The duplex was a rental property for as long as we have lived in the neighborhood (1999), and has consistently been a source of complaint. Issues have included:

- Domestic disputes resulting in police calls
- Domestic disputes without police calls (weekly for significant periods)
- Poor maintenance of the facility
  - Failure to mow the lawn
  - Failure to shovel snow
  - Painting projects started but not finished for years, with multiple contrasting colors visible
- Rude and obnoxious behavior at all times of day and night
  - Loud car stereos at any time of day and night (thumpin')
  - Yelling at children, neighbors, passers-by, and visitors
  - Litter in the yard
- Failure to secure the property after the first fire, resulting in a second fire
- Failure to secure the property after the second fire, leading to calls to report children entering the structure (through the open door) and endangering themselves
- Failure to secure the hole in the ground left after demolition of the home (ongoing)
- And now, thankfully, failure to reestablish a non-conforming use in the allotted time, leading to the need for this process (which has granted the neighborhood an opportunity to eliminate this non-confirming use and at least reduce the harm to the neighborhood of the landlord's poor property management by limiting the property to one poorly screened tenant instead of two).

All of these issues were continuous, ongoing, and seemingly never ending. The noise was the biggest complaint. The yelling and the thumpin' could be counted on every summer day and night, sometimes lasting for a few minutes, sometimes lasting for hours. The litter, yard, shoveling, painting fiasco, etc. were just continuous visible reminders that this problem remained.

Sometime during the Great Recession, the owner moved in to one of the units and continued renting the second. The noise problems were significantly reduced (though not eliminated), but the poor property management that led to the visible issues remained.

That's a brief history. The city's LIEP database contains a long history of code and other violations associated with this address. In addition, we have had two neighbors choose to move out of the neighborhood, partially because they just couldn't stand living next to this place any longer. One of them has taken the time to write a letter in opposition of granting this permit from her new home in Roseville – that's how deep her resentment of what this absentee landlord did to our neighborhood runs.

I oppose granting the permit for reestablishment of a non-conforming use for three reasons:

1. The property is clearly valuable and useful as a single family residence. A new infill single family house was constructed a few years ago on Pascal at Thomas, many neighbors are reinvesting in their single family homes, so clearly that use is financially viable.
2. This block of Edmund is almost exclusively single family homes. There is only one designed duplex, and only two homes converted to multi-family that I know of. This is a great opportunity to convert one of only four structures to the planned use for this area, maintaining the character of the neighborhood.
3. This is a great opportunity to reduce the opportunity for negative impact to the health, safety, and peace of the neighborhood. This property owner has consistently demonstrated an inability to properly manage a two family structure. A new single family structure is economically viable, and reduces the risk and impact of continued poor property management on the surrounding properties. I am unpersuaded by the argument that the owner plans to live in one unit and rent the second. After the permit is granted, and the building is built, that arrangement could evaporate overnight, leaving a permanent, problematic, non-conforming use.

Hopefully this helps you understand the situation and my atypical opposition to a development opportunity in the Midway.

Thanks and best regards,

Scott Walters  
1451 Edmund Avenue

## Williams, Josh (CI-StPaul)

---

**From:** Henningson, Samantha (CI-StPaul)  
**Sent:** Thursday, February 05, 2015 11:33 AM  
**To:** Williams, Josh (CI-StPaul)  
**Subject:** FW: 1438 Edmund

In case you don't have this one already.

---

**From:** Stark, Russ (CI-StPaul)  
**Sent:** Thursday, February 05, 2015 11:28 AM  
**To:** Maria Huntley  
**Cc:** #CI-StPaul\_Ward4  
**Subject:** RE: 1438 Edmund

Maria,

Thanks for the note, I have forwarded it Tom Beach who is staffing the zoning committee meeting of the Planning Commission where this issue is being heard. I really appreciate hearing from you and the other neighbors I've heard from, but this issue will only come to City Council if a decision of the Planning Commission is appealed.

Best,  
Russ Stark

**From:** Maria Huntley [<mailto:mhuntley1435@gmail.com>]  
**Sent:** Wednesday, February 04, 2015 3:15 PM  
**To:** Stark, Russ (CI-StPaul)  
**Subject:** 1438 Edmund

Greetings Mr. Stark -

It is my understanding that there is a hearing tomorrow re: the plan for a replacement duplex at 1438 Edmund Ave., unfortunately I am unable to attend in person. However - I did want to share with you that I am NOT in favor of this request.

I have lived in my home which is directly across the alley from this property for 10+ years with my husband and two young children. We love this neighborhood and hope to raise our kids here. We have consistently made investments in our home over the years and we are really excited about the improvements that have been made to our neighborhood.

Consistently the individuals that rented from the owner proved to be difficult neighbors. There were not specific circumstances where we witnessed illegal behavior but we often observed very suspicious behavior that made us uncomfortable.

Of all of the "annoying" situations over the years - the most disturbing was the fact the Mr. Walczak lied to my husband when he was requesting signatures after he missed the deadline for submitting replacement plans to the city, when he came back a second time and we told him that he lied to us, he claimed that he didn't remember what he had told us.

I sincerely appreciate you taking our concerns and experiences into consideration.



Regards -

--

K. Maria Huntley, CAE, MANM

[mhuntley1435@gmail.com](mailto:mhuntley1435@gmail.com)

651.442.4173

<http://www.linkedin.com/in/mariahuntley>

---

Elizabeth Barlow

St. Paul Planning Commission Zoning Committee

2/3/2015

Reestablishment of non-conforming use to construct a new duplex.

I am writing in regard to the property at 1438 Edmund Ave, St. Paul, MN. The owner Jerry Walczak approached me last month requesting that I sign approval replacement plans to the city to rebuild on his property at 1438 Edmund Ave. He stated he wanted to rebuild a duplex on said property and that he had planned to live on the property. He also stated he knew he had some poor management issues in the past and that he was going to work on resolving these issues going forward. I was unaware at the time that the area is zoned for a single family residential and that he needed approval to build a duplex on that property. I now feel that I was misled.

I received a post card from the zoning committee about the hearing on reestablishment of non-conforming use to reconstruct a new duplex. I would like to withdrawal my signature of approval for this reconstruction. The reasoning for my decision is the new investments in housing in real estate in this area. This decision also affects property values and this is a perfect opportunity to bring the lot back to single family zoning. A duplex obviously means renters and Jerry has a long history of poor property management. The property has been subject of many police interventions such as domestic abuse, drugs and child neglect in the past. He also rarely shoveled the side walk, mowed the lawn and had issues with garbage removal. The fact that he was unable to turn in plans on time is just another example of his inability to manage a rental property.

I am unable to attend this hearing and would like my opinion to be considered. I have lived at 1450 Edmund Ave for twenty two years. Please feel free to contact me if you have any questions.

Sincerely,

Elizabeth Barlow

**From:** Heide Erickson <heidekerick2@gmail.com>  
**Subject:** Thursday Zoning Committee/1438 Edmund Ave.  
**Date:** February 2, 2015 at 9:44:04 PM CST  
**Cc:** [russ.stark@ci.stpaul.mn.us](mailto:russ.stark@ci.stpaul.mn.us)  
**To:** [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us)

Mr. Beach,

I'm contacting you and copying my city council member Mr. Stark on this email regarding the 1438 Edmund Ave property. My understanding is that the owner of the 1438 Edmund Ave. property has to appear at the Zoning Committee of the Planning Commission this Thursday, Feb. 5 regarding a plan for a replacement duplex in an area that is zoned for single family residential. I'd appreciate you taking the interest of the neighborhood into consideration and to not approve the 1438 Edmund Ave. property for a duplex

I am a long-term resident on the 1400 block of Thomas Ave (one block from Edmund) and I am active in the neighborhood from hosting neighborhood events to organizing ally plowing. An increase of renter units puts significant stresses our neighborhood. In addition, the property owner has a reputation with neighbors for poor property management and for not holding his renters accountable for behavior that has a negative impact on the entire neighborhood. Therefore, I'd urge you to not approve the property for a duplex but only for a single family structure according to zoning.

Please feel free to contact me if you'd like additional detail. Unfortunately, I will not be able to attend the hearing myself and hope that through this email my voice will be heard.

Best regards,  
Heide Erickson

**From:** Tracey Pyscher [<mailto:pysc0001@umn.edu>]  
**Sent:** Wednesday, February 04, 2015 4:58 PM  
**To:** [kim@kimhunterlaw.com](mailto:kim@kimhunterlaw.com); Stark, Russ (CI-StPaul); Beach, Tom (CI-StPaul)  
**Subject:** Edmund property owned by Mr. Jerry Walczak

To whom it may concern. I am writing this response as an co-owner of a property at 1431 Edmund Ave., St. Paul. My partner, Cindy Reuther and I, resided at the Edmund house and endured terrible experiences of co-neighboring with Mr. Walczak's adjacent property. We currently rent our 1431 Edmund house to excellent tenants. We moved back to Minneapolis over two years ago.

While living across the street from Mr. Walczak's "rental" property for over four or more years, we endured persistent parties, domestic disputes, numerous phone calls to the police department including concerns about child neglect, conditions of the property (poor), and our concern that drugs were being sold out of the house and the number of people residing at the property. It became so bad, that I contacted Mr. Walczak directly via phone and complained. I explained to him our (mine, my partner's and neighbors) concerns/complaints about his numerous tenants and all the chaos they create daily. He was unresponsive. What we later found out was that the property was not a legal rental. We discovered this after the most severe incident at the property. On a summer day about 4-5 years ago, there was huge disrupt coming out of the house with multiple people fighting in the streets and screaming and punching each other. Multiple police cars arrived and my partner felt so unsafe she sat on the floor concerned about weapons and fighting. It was a chaotic scene. Eventually, multiple people were arrested and a coroner pulled up. A baby died that morning in the house at the hands of his father. Later, we discovered the house was condemned due to bug and rodent infestation and was deemed unlivable. All the while, Mr. Walczak "rented" this property illegally.

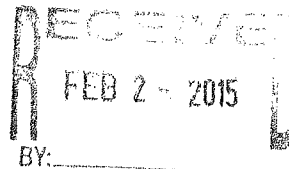
We fully protest his ability to build back on this site. This also influenced our decision to move out of Hamline Midway to a neighborhood that was more conducive to basic respect and community living. Feel free to call with any follow up questions. We will try to attend the public meeting tomorrow, but that is difficult considering we just discovered that the meeting was happening.

Thank you. Tracey Pyscher & Cindy Reuther  
Tracey can be reached at 651-983-3294.

--

Tracey Pyscher, Ph.D. Candidate  
Curriculum and Instruction, Critical Literacy and English Education  
University of Minnesota  
651-983-3294

Mr. Paul Dubruiel  
1400 City Hall Annex  
25 W. Fourth St.  
St. Paul, MN. 55102



Re; FILE # 15-002-93,  
Nonconforming use as a duplex at  
1438 Edmund Ave., St. Paul, MN

To Whom It May Concern:

After living at our residence for 45 Plus years, we were surprised to find out that this property had been classified as a duplex. It had a single address in a quiet neighborhood and the previous owner lived there with his wife and daughter. Occasionally he would let known people that were down and out stay there for awhile.

That all changed with the new owner! There has been two fires, One child's death, tenants that have been kicked out because of building code violations, noisy parties of which I went down there twice myself to tell the tenants to quiet down, blocked alley access for the other residents, trash haulers, and emergency vehicles, and numerous police vehicles at that location for unknown reasons! While tenants were occupying the building, we experienced two break-ins, one attempted break-in and the people at 1431 Edmund Ave had a break-in.

When he applied for a demolition permit, he did not have the utilities cut-off as required and he listed an excavating company as doing the work when it was a tree trimming company which was probably not licensed to do that type of work in the city of St. Paul.

Since the last fire and the demolition of the building, the neighborhood has become quiet and peaceful

Please do not grant a nonconforming use permit for a duplex at the property that was original a single family dwelling. Do not fall for his line, to me it seems he'll tell you what ever he has to in order to get what he wants!

Yours truly

Arthur & Bonita Steinbeck  
1426 Edmund Avenue  
St. Paul, MN 55104

A handwritten signature in cursive script, appearing to read "Arthur Steinbeck".

A handwritten signature in cursive script, appearing to read "Bonita Steinbeck".

**From:** Sara Blair [<mailto:saramblair@gmail.com>]  
**Sent:** Monday, February 02, 2015 11:55 AM  
**To:** Williams, Josh (CI-StPaul)  
**Subject:** 1438 Edmund Ave. Duplex

Hi Josh,

My name is Sara Blair, and I own the house at 1427 Edmund Ave., St. Paul. It's my understanding there is a hearing on Thursday to approve the rebuilding of the duplex at 1438 Edmund. I am unable to attend in person, but wanted to email you and let you know our (my husband and I's) thoughts.

We would like to oppose the structure being rebuilt as a rental, especially if the property owner is the same man. This property was often a source of frustration for neighbors on our street, and the property owner has never responded to nor dealt with complaints related to his renters. Also, we want to avoid another rental unit to avoid the Hamline University college student creep that is already happening. I love colleges and college students, but they can be a nuisance if you live in the middle of their area.

Please let me know if you have any questions.

Thank you so much for your time,  
Sara

**From:** Michael Jon Olson [<mailto:michaeljon@hamlinemidway.org>]  
**Sent:** Wednesday, February 04, 2015 11:55 AM  
**To:** Williams, Josh (CI-StPaul)  
**Cc:** 'Michael Jon Olson'; 'Scott Walters'  
**Subject:** 1438 Edmund

To the Members of the Saint Paul Planning Commission Zoning Committee:

On January 26, 2015 the City of Saint Paul mailed a notice regarding a public hearing on the reestablishment of a nonconforming use to construct a new duplex at 1438 Edmund Avenue (File #15-002-935).

Over the past few days, several property owners who received that notice have expressed serious concerns about the applicant, Jerry Walczak, and the applicant's history of poor property management at 1438 Edmund Avenue, to the City of Saint Paul and Hamline Midway Coalition (HMC)/District Council 11. HMC believes that these concerns deserve significant consideration and warrant more investigation.

For this reason, HMC is currently **OPPOSED** to the reestablishment of nonconforming use to construct a new duplex at 1438 Edmund.

Also, given that the HMC Development Committee and Board of Directors have not had enough time to fully discuss this matter, HMC respectfully requests that this matter be laid over until the next meeting of the Zoning Committee on February 19.

Thank you for your consideration.

**Michael Jon Olson**  
Executive Director  
Hamline Midway Coalition/District Council 11  
[michaeljon@hamlinemidway.org](mailto:michaeljon@hamlinemidway.org)  
[www.hamlinemidway.org](http://www.hamlinemidway.org)  
651-494-7682

**From:** Donald Johnson [<mailto:donald.c.johnson@rrd.com>]

**Sent:** Tuesday, February 03, 2015 1:05 PM

**To:** Williams, Josh (CI-StPaul); [michaeljon@hamlinemidway.org](mailto:michaeljon@hamlinemidway.org); Stark, Russ (CI-StPaul)

**Subject:** 1438 Edmund Avenue - Zoning hearing and petition

City Officials and Neighborhood Coalition Director,

I'm writing to voice a concern regarding an owner proposed conditional use permit for the property at 1438 Edmund Ave, St. Paul, MN 55104.

I initially signed the petition presented by Jerry, the property owner, but on further reflection I wish to remove my consent. I own, and live at, 1446 Edmund - two properties directly West of the parcel in question. As I understand it, the owner requires 2/3 of neighbors within 100 feet to ok the proposed nonconforming use. I'm opposed to the proposed use.

With the concerns being raised in the neighborhood - I believe it would be prudent to postpone the upcoming zoning hearing regarding 1438 Edmund Avenue, in order for the community to clarify it's standing.

The property owner in question hasn't been present, nor has he contracted services to care for the property in his absence. I know this because I've been clearing the snow from the sidewalk in front of the property so fellow neighbors can safely use the sidewalk.

Feel free to contact me with any questions.

Regards,

- Don

---

**Don Johnson | Technology Staff, Premedia | RR Donnelley**  
18790 West 78th Street | Chanhassen, MN 55317  
Office: 952.906.2391 | Mobile: 612.836.3774  
[donald.c.johnson@rrd.com](mailto:donald.c.johnson@rrd.com)  
<http://www.rrdonnelley.com>



**Langer, Samantha (CI-StPaul)**

---

**From:** Julia Reed <julia.reed82@gmail.com>  
**Sent:** Wednesday, February 04, 2015 9:33 AM  
**To:** Beach, Tom (CI-StPaul); Stark, Russ (CI-StPaul); Langer, Samantha (CI-StPaul)  
**Cc:** swalters@halsaadvisors.com; kim@kimhunterlaw.com  
**Subject:** Comment for Zoning Hearing: 1438 Edmund Avenue variance application to R4 - 1 Family Zone

Greetings!

I urge the Board of Zoning Appeals to deny the variance application by Jerry Walczak for the re-establishment of a non-conforming use structure on the vacant lot at 1438 Edmund Avenue. I see on the zoning map that my neighborhood is in a bright yellow sea of R4 -1 Family zoned blocks and I would like to see the Hamline-Midway neighborhood north of University go more in that direction. This is a perfect opportunity to do the right thing. A duplex is clearly outside the summary of uses allowed in a R4-Residential District.

I recall a conversation I had with my mortgage banker regarding the property value risk to buying a home in this neighborhood and he assured me that once the federal, state, and local governments have invested millions of dollars in a transit project like the Green Line, the property values will only go up. In my opinion, owner occupied homes make for a safer, cleaner, and more cooperative community, leading to increased property values and better quality of life. With the University Avenue apartment buildings (existing and new construction now underway) and Hamline University dwellings (just to name two) in such close proximity, I feel it is important to enforce conformity to zoning code whenever the opportunity arises.

Thank you for your service to the community. I regret that I cannot attend the hearing in person – I am not able to step away from my job during working hours.

Sincerely,

Julia Reed

1454 Edmund Avenue

Saint Paul, MN 55104

**From:** Elizabeth Tolzmann [mailto:[elizabeth@tolzmannlaw.com](mailto:elizabeth@tolzmannlaw.com)]  
**Sent:** Monday, February 2, 2015 10:12 PM  
**To:** [russ.stark@ci.stpaul.mn.us](mailto:russ.stark@ci.stpaul.mn.us)  
**Cc:** [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us); [twincitiesboxing@hotmail.com](mailto:twincitiesboxing@hotmail.com)  
**Subject:** Opposition to replacement plans of 1438 Edmund Ave

Dear Council Member Stark,

My husband and I reside at 1435 Edmund Ave. We are writing to oppose the replacement plans that is being submitted by the property owner of 1438 Edmund Ave. It is our understanding that he is seeking a zoning variance to change this property from single family residential to a duplex.

We have been law-abiding residents and proud owners of our property since 1999. During this time, we have observed this property on 1438 Edmund to be consistently rented and poorly managed. There has been numerous residents in/out of the property; loud noise including arguments with profanity and violence; and there were recently two fires within the past year. This has affected the quality of life in our neighborhood including those who work hard to maintain our homes, yards, and create a peaceful and thriving neighborhood.

Please note that the owner of this property had approached our home and had asked us to sign a "variance," in which I understood it to be a variance on the a design portion of the deck (and nothing else). He also orally stated to me that he owns the property, would reside there, and would not rent it out. It is my understanding that the request before you on Thursday is not a variance on the design, but instead a variance on the zoning of the property. We feel that we have been misled and if that is the case, we believe there is no credibility or integrity to the home owner.

We enjoy living on Edmund Ave, we think our neighbors our wonderful, and for once in a very long time, we have not had any problems since this property had been burned down. We fear that if you allow the owner to change the zoning to a duplex, he will convert it to a rental unit and continue his past practices of poor property management. We prefer residents who take pride within their properties, are vested in the community, and who care for their neighbors.

For the reasons above, we oppose the replacement plans of 1438 Edmund.

Sincerely,

L. Elizabeth Tolzmann, Esq.  
Attorney at Law

Phone: [612-819-0850](tel:612-819-0850)  
[elizabeth@tolzmannlaw.com](mailto:elizabeth@tolzmannlaw.com)

*"CONFIDENTIAL NOTICE. The information contained in this email is intended for the use of the addressee only. It may contain information that is privileged, confidential and exempt from disclosure. If the recipient of this email is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is stictly prohibited. If you have received this email in error or if there is a transmission error, please notify our office immediately by telephone or email."*

Feb. 2, 2015

Dear Committee Members:

I am writing in regards to the petition by Jerry Walczak to construct a duplex at 1438 Edmund Avenue in St. Paul (File# 15-002-935.)

As a resident at 1446 Edmund, we were grateful that we were shielded from this house by our next door neighbor, although as an elderly woman, she was terrified by the tenants that rented Mr. Walczak's property.

From the beginning of his tenure, Mr. Walczak's tenants were a constant problem on our block. During the best of times, we endured regular drunken parties that featured disruptive street noise at all hours of the night. Politely asking the tenants to be quiet resulted in terroristic threats and verbal abuse. This continued from the late 1990's through the fire.

One group of tenants included women who walked up and down University Avenue looking for customers who they would have park in front of our house while they "serviced" them. Each Sunday morning, we would rake up the used condoms from our boulevard that were tossed from the cars. This group enjoyed spreading their parties two to three doors in each direction and would loiter all weekend in front of our house, blasting music from their cars.

Even my backyard was intruded upon. As I worked in my garden, the men in this household would sit on their back steps and glare at me.

The next group of tenants appeared to sell drugs, and operated a car repair shop from their garage. The noise would continue all night, sometimes with a loud, constant banging lasting for hours. Even residents from two blocks away were disturbed by these tenants.

The property deteriorated severely after Mr. Walczak took ownership. He made repairs only when cited by inspectors, who were called by neighbors. He only made the minimal repairs, and did them badly.

I'm sure a review of the police records regarding this address would provide evidence as to the degree in which that property degraded the quality of life for the residents on this block.

Each neighbor next to Mr. Walczak's property sold their home and moved away. We did the same in November of 2014. I would give a large share of blame to this landlord for our decision to move to Roseville. Although we no longer have a say in your decision, please consider that we carry such a bad memory of this experience, we are willing to take the time to weigh in on behalf of our former neighbors. Permitting this man to operate a duplex will continue to negatively affect the stability and property values of this neighborhood.

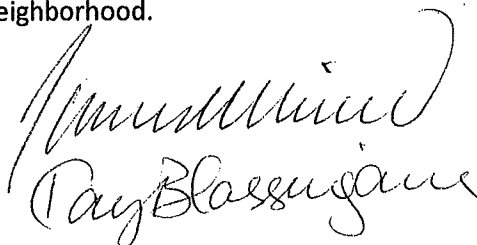
Sincerely,

James Muirhead

Kay Blassingame

3091 Mt. Ridge Road

Roseville, MN 55113

The block contains two handwritten signatures. The first signature, in dark ink, appears to read 'James Muirhead'. The second signature, in a lighter, more cursive script, appears to read 'Kay Blassingame'.

Reestablishment of a Non-conforming Use – Code of Ordinances Sec. 62.109 (e).

The commission must make the following findings:

- (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;
- (2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use;
- (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (4) The proposed use is consistent with the comprehensive plan; and
- (5) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.

The evidence does not support such a finding under subsections 1, 3, or 4. As to subsection 5, over 1/3 of the property owners of parcels within 100 feet have written the committee objecting to granting the reestablishment of the non-conforming use or are present today to speak against reestablishment of the use despite their earlier signing of the petition.

Furthermore, some of the signatories have indicated they were misled as to the nature and meaning of the document they signed.

**A conforming purpose – a new single family residence – is a reasonable and economically viable use for this parcel.**

- Houses on this street are generally very well maintained and many residents have recently made significant investments in their single family residences.
  - 1457 Edmund – rental single family home – major renovations in spring/summer 2013
  - 1451 Edmund – New kitchen renovation in 2013/2014
  - 1456 Edmund – Exterior renovations, garage reconstruction, new roof, painting in 2014
  - 1446 Edmund – New kitchen, finish attic expansion, new historically accurate storm windows and trim restoration, stucco re-dashing in 2006
  - 1439 Edmund – New kitchen, bath remodel, exterior improvements in 2010.
  - This is by no means an exhaustive list.
- A new single family residence was constructed in this neighborhood in 1997 at 603 Pascal, one and a half blocks from this location.

The significant investments being made in both owner occupied and rental houses, along with the construction of a new single family home in this neighborhood over the last few years demonstrate conclusively that single family residential is a reasonable and economically viable use for this parcel.

***The evidence does not support a finding that “the structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.”***

**The proposed use is equal to the previous non-conforming use.**

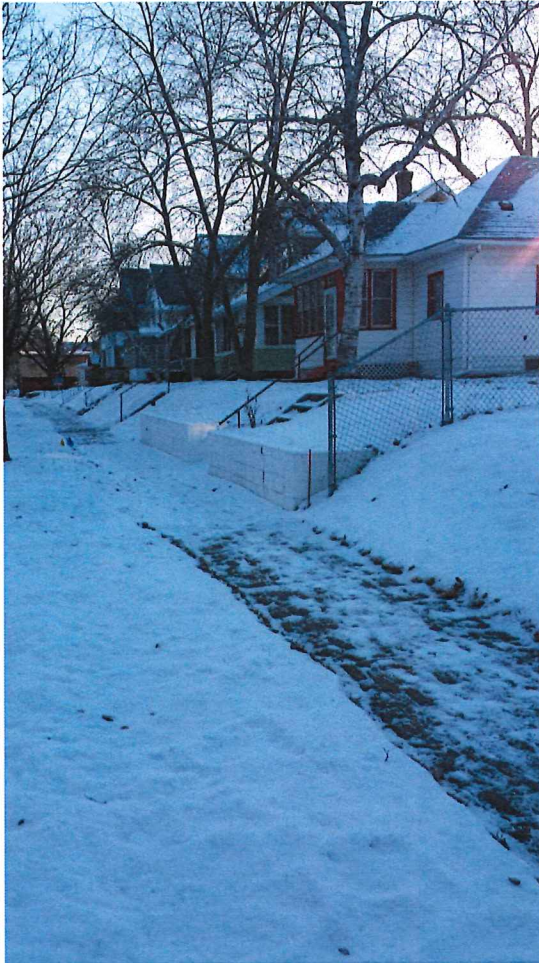
This finding is reasonable.

**The proposed use will likely be detrimental to the existing character of development in the immediate neighborhood and will likely endanger the public health, safety, and general welfare.**

- The vast majority of structures on this block of Edmund Avenue, whether rental or owner-occupied, are single family residences. There is only one structure on the entire block designed as a duplex, at 1418 Edmund Ave. There are only two other multi-family structures on the block. Elimination of this non-conforming use will make significant progress in elimination of non-conforming uses on this block.
- Allowing this particular parcel to be developed as a non-conforming use will likely endanger the public health, safety, and general welfare.
  - The owner of this property has exhibited a consistent record of epic inability to manage a duplex rental property. Reducing the unit count from two to one will improve the likelihood of successful property management and decrease the ongoing negative impact on city resources, the neighborhood, not to mention the unfortunate tenants of this landlord's stunning lack of property management ability.
    - The police record of this property dating back through the 90s almost defies belief, with 91 police contacts since May 21, 2001. The full record is attached. Highlights of the criminal activity at the property includes:
      - Discharge of a firearm in the city limits,
      - Arson,
      - Drug possession,
      - Disorderly conduct,
      - Domestic violence, (over, and over, and over again)
      - Disturbance – fights,
      - Sexual Offences,
      - Theft,
      - Burglary, and
      - Auto theft
    - The property has had frequent code compliance complaints including tall grass and weeds, garbage, and ice and snow covered sidewalks, requiring multiple inspections and re-inspections to correct. One collection of structural defects required **seven** re-inspections.
    - Complaints have included **rodent infestations**.
    - The current Vacant Building inspection report has one word that reappears on almost every line "**unaddressed**." That report is attached.



- The property is currently out of compliance with city ordinance. Even on the day of a hearing regarding the property, the owner couldn't manage to comply with Section 113.02 of the city code.



The relative absence of multiple family units on this block of Edmund Avenue, with only one designed duplex on the street, combined with the extensive record of criminal behavior and ongoing code violations endangering the health and safety of both neighbors and tenants illustrates the threat that the previous duplex at this address represented. Converting this property to a conforming use will at least limit the opportunity for continued disruption to the neighborhood and the city. ***The evidence does not support a finding that “the proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.”***

## **The proposed use is not consistent with the Comprehensive Plan or with the Hamline Midway Community Plan**

Two of the Major Strategies in the Housing section of the City of Saint Paul's Comprehensive Plan are:

- Preserve and Promote Established Neighborhoods and
- Ensure the Availability of Affordable Housing Across the City

At first blush, it may appear that granting this application to reestablish a nonconforming use would help accomplish those strategies. This first impression is misleading. The City's plan needs to be read within the context of the Hamline Midway Community Plan, an Addendum to the Saint Paul Comprehensive Plan.

The Hamline Midway Housing Plan, Housing Objective and Strategy H3.3: "Encourage development that fill *[sic]* gaps in Saint Paul housing stock, *such as larger rental units.*" (Emphasis added)

Allowing the proposed two family structure will create two smaller units. This is exactly the opposite type of development that the Comprehensive Plan, as clarified by the Hamline Midway Community Plan, strives to achieve. A single family rental unit on this site will create the type of larger rental unit that the Comprehensive Plan has specifically identified as a need for Saint Paul and specifically for the Hamline Midway neighborhood.

Also, the Hamline Midway Community Plan strategy H 2.1 indicates a desire to "Foster relationships between rental property owners and the neighborhood to improve the condition and aesthetic of properties."

The owner of this property, when managed as a duplex, has proven entirely incapable of helping the neighborhood achieve this objective and strategy. Converting to a single family structure may reduce the management burden, creating a better opportunity for the property to help achieve this objective.

Building two smaller units, as opposed to a single larger rental unit, fails to meet the Hamline Midway Community Plan and the City of Saint Paul Comprehensive Plan. ***The evidence does not support a finding that "The proposed use is consistent with the comprehensive plan."***



**The City of Saint Paul**  
Minnesota's Capital City

**Permits Online**



**Info Main City Contact**

## 1438 EDMUND AVE -- Property Information --

PIN	Zoning/Use	HPC District
342923240149	R4 - Vacant Building Category 3	

### Information disclaimer...

Data Disclaimer:-

The City of Saint Paul and its officials, officers, employees or agents does not warrant the accuracy, reliability or timeliness of any information published by this system, and shall not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from this system does so at his or her own risk.

### List of Activity...

Number	Address	Description	Details	Status
15 002935	Jerry	Reestablishment Planning Commission Cases		Pending
000 00 PC	Walczak	of Type: Nonconforming Use Permit - Reestablishment nonconforming Work Type: Duplex use to construct Entered on: 01/13/2015 a new duplex		
14 326815	1438	Demolition Permit		Final
RES 00 DM	EDMUND AVE - To be wrecked	Type: Demolition Residential Demo Issued Date: 09/08/2014 Final Date: 12/24/2014 Contractor: Don & Wayne Excavating LLC Estimated Value: \$6,000.00		
		Activity (most recent first): Final Inspection: 12/23/2014: Final		
		Preliminary Inspection: 09/15/2014: Approved		
		Demolition Review: 09/08/2014: Approved		
		Erosion Control Review: 09/08/2014: Approved		
		Zoning Review: 09/08/2014: Approved		
14 326559	1438	Joint Sewer	PW Right of Way Permit	Canceled
EXC 00 RW	EDMUND AVE	Excavation Permit	Type: Excavation Work Type: Joint Sewer Permit Entered on: 09/08/2014	
14 326558	1438	Joint Sewer	PW Right of Way Permit	Canceled
EXC 00 RW	EDMUND AVE	Excavation Permit	Type: Excavation Work Type: Joint Sewer Permit Entered on: 09/08/2014	
14 326557	1438	Joint Sewer	PW Right of Way Permit	Canceled
EXC 00 RW	EDMUND AVE	Excavation Permit	Type: Excavation Work Type: Joint Sewer Permit Entered on: 09/08/2014	
14 322992	1438	Joint Sewer	PW Right of Way Permit	Canceled
OBS 00 RW	EDMUND AVE	Obstruction Permit	Type: Obstruction Work Type: Joint Sewer Permit Entered on: 08/26/2014	

[Move  
Top](#)



14 322991	1438	Bulkhead sewer	PW Sewer Permit	Inspected
ASN 00 SS	EDMUND AVE	pipe within 4' behind the property line.	Type: Sanitary Work Type: Abandonment Entered on: 08/26/2014	
		9-5-14: Actual bulkhead was done in the boulevard. Change "Obstruction" fee to "ROW Fee". BA		
14 296700	1438	Cut Tall Grass	Parks Summary Abatement	Closed
000 00 PA	EDMUND AVE	and weeds on the property	Type: Tall Grass Entered on: 06/11/2014 Closed on: 06/12/2014	
14 188611	1438	CUT & CAP FOR	PW Right of Way Permit	Finalized
EXC 00 RW	EDMUND AVE	DEMO XCEL PROJECT- 11965199 GSOC TKT- 140760313 CROSS STREET- PASCAL ST N 4x5 HOLE IN SW/BLVD ; 120' OF PARKING LANE FOR EQUIPMENT REQUESTED BY- JEFF SCHMIDT 651-229-2381 FAX- 651-229-2396	Type: Excavation Work Type: Utility Entered on: 03/20/2014 Closed on: 05/12/2014	
14 186230	1438	DUMPSTER TO BE PLACED ACROSS THE STREET FROM PROPERTY ADDRESS.	PW Right of Way Permit Type: Obstruction Work Type: Dumpster Entered on: 03/12/2014 Closed on: 03/21/2014	Finalized
13 257459	1438		Electrical Permit Type: Service & Circuits Residential Repair/Alter Issued Date: 12/13/2013 Contractor: Oaks Electric Co Estimated Value: \$1,500.00	Closed
	EDMUND AVE		Activity (most recent first): MAIN-Electrical Inspection: 04/08/2014: Permit Closed 03/03/2014: Corrections Required	
13 255096	1438	Opening a	Complaint Date: 12/05/2013	Under Review
VAC 00 CS	EDMUND AVE	VB1-fire exempt file due to severe damage caused by fire. See the fire report for more info. ~MD	Initial Inspection: 12/05/2013 VB Category 3 - Duplex Next Inspection on or after: 02/09/2015 Inspector: 321	
		Hold Vb fee for 90days due to the fire exemption policy. ~MD	Inspection Results (most recent first): 12-5-2013: 01/22/2015: Grass/Weeds (Unaddressed) VB Monitoring (Recheck)	
		Snow Walk Complaint Received.	01/12/2015: Grass/Weeds (Unaddressed) VB Monitoring (Recheck) 12/22/2014: Grass/Weeds (Unaddressed) VB Monitoring (Recheck) 11/19/2014: Grass/Weeds (Unaddressed)	

06/05/2014 Tall VB Monitoring (Recheck)  
Grass Complaint  
Received. 10/28/2014: Grass/Weeds (Unaddressed)  
6/25/14 kids VB Monitoring (Recheck)  
running in and  
out of the house 10/15/2014: Grass/Weeds (Unaddressed)  
almost every VB Monitoring (Recheck)  
day. Property is  
an eyesore. 09/22/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
09/08/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
08/15/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
07/23/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
07/15/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
07/09/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
06/25/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
06/13/2014: Grass/Weeds (Unaddressed)  
VB Monitoring (Recheck)  
  
06/10/2014: Grass/Weeds (Work Order)  
VB Monitoring (Recheck)  
  
06/04/2014: VB Monitoring (Recheck)  
  
05/20/2014: Garbage/Rubbish (Abated)  
VB Monitoring (Recheck)  
  
05/12/2014: Garbage/Rubbish (Summary  
Abatement-Comply By: 05/16/14)  
VB Monitoring (Recheck)  
  
04/23/2014: VB Monitoring (Recheck)  
  
04/07/2014: VB Monitoring (Recheck)  
  
04/02/2014: VB Monitoring (Recheck)  
  
03/13/2014: VB Monitoring (Recheck)  
  
03/10/2014: Garbage/Rubbish (Advise)  
VB Monitoring (Recheck)  
  
03/03/2014: Garbage/Rubbish (Summary  
Abatement-Comply By: 03/10/14)  
VB Monitoring (Recheck)  
  
02/06/2014: Garbage/Rubbish (Extension)  
Snow/Ice (Abated)  
VB Monitoring (Recheck)  
  
02/03/2014: Garbage/Rubbish (Extension)  
Snow/Ice (Extension)  
VB Monitoring (Recheck)  
  
01/27/2014: Garbage/Rubbish (Summary

			Abatement-Comply By: 02/03/14) Snow/Ice (Orders-Comply By: 01/31/14) VB Monitoring (Recheck)	
12 115805	1438	12/03/2013:	12/05/2013: VB Monitoring (Recheck)	
000 00 CO	EDMUND AVE	Early C of O in child referral.	Certificate of Occupancy Type: Residential 2 Units Occupancy Type: Dwelling Units Residential Units: 2 Class: A Renewal Due Date: Nov 7, 2012	Condemned/Vacant
			12/03/2013: Condemned/Vacant - 2	
12 095050	1438		Building Permit Type: 2-Family/Duplex Express Repair Issued Date: 08/17/2012 Final Date: 09/12/2012 Contractor: Building A Difference LLC State Valuation: \$1,400.00	Finalized
EXP 00 B	EDMUND AVE		Activity (most recent first): Building Permit Inspection: Final Inspection - Appd	
09 515881	1438	Follow up on C of O folder approved with corrections.	Referral Type: C of O Entered on: 12/21/2009 Closed on: 07/27/2010	Closed
09 515880	1438		Certificate of Occupancy Type: Residential 2 Units Occupancy Type: Dwelling Units Residential Units: 2 Class: C Completed on: 09/06/2012 Paid In Full = Yes	Certified
000 00 CO	EDMUND AVE		Inspection Results (most recent first): 09/06/2012: Approved 1. EXTERIOR: Ext. Walls SPLC 34.09 (1) b,c, 34.32 (1) b,c (Abated - 7th reinspection) - Severity 7 2. Roof SPLC 34.09 (1) e, 34.32 (1) d (Abated - 5th reinspection) - Severity 5	
			07/26/2012: Correction Orders	
			06/21/2012: Correction Orders	
			04/20/2012: Correction Orders 1. EXTERIOR: Ext. Window Glass SPLC 34.09 (3), 34.32 (3) (Abated - 4th reinspection) - Severity 2 2. EXTERIOR: Window Screen SPLC 34.09 (3), 34.33 (3) (Abated - 4th reinspection) - Severity 2 3. EXTERIOR: Ext. Door SPLC 34.09 (3), 34.33 (3) (Abated - 4th reinspection) - Severity 3 4. EXTERIOR: Res. Grading and Drainage SPLC 34.08 (2) (Abated - 4th reinspection) - Severity 3 5. UPPER: Discontinue Use of Multi-Plug Adapters MSFC 605.4 (Abated - 2nd reinspection) - Severity 2 6. UPPER: Bathroom Floor Impervious to Water SPLC 34.10(4), 34.33(3) (Abated - 2nd reinspection) - Severity 4 7. UPPER: Unit Illegal Locks MSFC 1003.3.1.8 (Abated - 2nd reinspection) - Severity 4	
			11/07/2011: Correction Orders 1. Heating Equipment Maintenance SPLC 34.11 (6), 34.34 (Abated - 1st inspection) - Severity 5 2. Required Smoke Detector Affidavit SPLC 39.02(c)	

09 275991 1438  
000 00 CO EDMUND  
AVE

(Abated - 1st inspection) - Severity 9

Certificate of Occupancy  
Type: Residential 2 Units  
Occupancy Type: Dwelling Units  
Residential Units: 2  
Class: C  
Completed on: 12/18/2009  
Paid In Full = Yes

History

Inspection Results (most recent first):  
12/18/2009: Approved w/Corrections  
1. EXTERIOR(Both Rear Stairways): Ext. Handrail  
SPLC 34.09 (2) 34.32 (2) (Deficiency - 6th  
reinspection) - Severity 5  
2. EXTERIOR(Front): Ground Cover SPLC 34.08 (3)  
(Deficiency - 6th reinspection) - Severity 3  
3. EXTERIOR(Garage): Accessory Structures SPLC  
34.08(5), 34.32(3) (Deficiency - 6th reinspection) -  
Severity 3  
4. EXTERIOR(House): Ext. Walls SPLC 34.09 (1) b,c,  
34.32 (1) b,c (Deficiency - 6th reinspection) -  
Severity 7  
5. EXTERIOR(Rear Stairway to Upper Unit): Ext.  
Guardrail SPLC 34.09 (2) 34.32 (2) (Deficiency - 6th  
reinspection) - Severity 5  
6. UPPER UNIT(Front Entry): Unsafe Interior Stairway  
SPLC 34.10 (3), 34.33 (Abated - 6th reinspection) -  
Severity 7  
7. UPPER UNIT(Front Entry): Repair Interior Guardrail  
SPLC 34.10 (3), 34.33(2) (Abated - 6th  
reinspection) - Severity 5  
8. UPPER UNIT(Rear Entry): Dead Bolt Required SPLC  
34.09 (3) i (Abated - 3rd reinspection) - Severity 5  
9. Heating Equipment Maintenance SPLC 34.11 (6),  
34.34 (Abated - 4th reinspection) - Severity 5

11/30/2009: Correction Orders  
1. GARAGE: Remove Exposed Wiring MSFC 605.1  
(Abated - 4th reinspection) - Severity 4  
2. LOWER UNIT(Basement): No Interior Guardrail  
SPLC 34.10 (3) 34.33(2) (Abated - 5th reinspection)  
- Severity 5  
3. THROUGHOUT: Missing Elect.Cover Plate MSFC  
605.6 (Abated - 5th reinspection) - Severity 2  
4. THROUGHOUT: Ext. Door SPLC 34.09 (3), 34.33  
(3) (Abated - 5th reinspection) - Severity 3  
5. THROUGHOUT: Repair Ceilings SPLC 34.10 (7),  
34.34 (6) (Abated - 5th reinspection) - Severity 4  
6. UPPER UNIT(Side Bedroom): Provide Sleeping  
Room Egress Window MSFC1026.1 (Abated - 5th  
reinspection) - Severity 9  
7. UPPER UNIT: Ext. Window SPLC 34.09 (3), 34.32  
(3) (Abated - 5th reinspection) - Severity 2  
8. UPPER UNIT: Ext. Window Glass SPLC 34.09 (3),  
34.32 (3) (Abated - 5th reinspection) - Severity 2

10/26/2009: Correction Orders  
1. EXTERIOR(Front): Address - Not visible from  
street SPLC 71.01 (Abated - 4th reinspection) -  
Severity 3  
2. EXTERIOR(Front Entry): Ext. Door SPLC 34.09  
(3), 34.33 (3) (Abated - 4th reinspection) - Severity  
3  
3. EXTERIOR(Garage): Address - Not posted SPLC  
71.01 (Abated - 4th reinspection) - Severity 5  
4. EXTERIOR: Ext. Sanitation SPLC 34.08 (1), 34.31  
(1) (Abated - 4th reinspection) - Severity 6



5. LOWER UNIT(Basement): Water Meter Grounding Jumper MSFC 605.1 (Abated - 4th reinspection) - Severity 4
6. LOWER UNIT(Basement): Repair Damaged Elect. Fixtures MSFC 605.1 (Abated - 4th reinspection) - Severity 5
7. LOWER UNIT(Basement): Flame spread MSFC 806.2 (Abated - 4th reinspection) - Severity 6
8. LOWER UNIT(Basement): Repair Interior Handrail SPLC 34.10 (3), 34.33(2) (Abated - 4th reinspection) - Severity 5
9. LOWER UNIT(Basement Door): Unapproved Locks MSFC 1003.3.1.8 as amended (Abated - 4th reinspection) - Severity 9
10. LOWER UNIT(Front Bedroom): Exit Obstruction MSFC 1028.3 (Abated - 4th reinspection) - Severity 4
11. LOWER UNIT: Unapproved Locks MSFC 1003.3.1.8 as amended (Abated - 4th reinspection) - Severity 9
12. THROUGHOUT: Comb. Materials - Orderly Storage MSFC 315.2 (Abated - 4th reinspection) - Severity 2
13. THROUGHOUT: Light Fixture Globes MSFC 605.1 (Abated - 4th reinspection)
14. THROUGHOUT: Interior Unsanitary SPLC 34.10 (5), 34.33 (4), 34.16 (Abated - 4th reinspection) - Severity 8
15. THROUGHOUT: Repair Interior Walls SPLC 34.10 (7), 34.34 (6) (Abated - 4th reinspection) - Severity 4
16. UPPER UNIT: Comb. Materials Attic Concealed Spaces MSFC 315.2 (Abated - 4th reinspection) - Severity 9

## 09/28/2009: Correction Orders

1. Required Smoke Detector Affidavit SPLC 39.02(c) (Abated - 1st inspection) - Severity 9

09 225219 1438  
000 00 CO EDMUND  
AVE

Certificate of Occupancy  
Type: Residential 2 Units  
Occupancy Type: Dwelling Units  
Residential Units: 2  
Completed on: 08/06/2009

Not a CO Bldg

09 224214 1438  
CFO 00 CS EDMUND  
AVE

Broken  
windows,  
stairway  
appears  
unsound,  
rodents going  
under the house

Inspection Results (most recent first):  
Complaint Date: 08/03/2009  
Initial Inspection: 08/06/2009

Callback Pending

Inspection Results (most recent first):

07 036618 1438  
000 00 CO EDMUND  
AVE

Certificate of Occupancy  
Type: Residential  
Occupancy Type: Dwelling Units  
Residential Units: 2  
Completed on: 11/08/2007  
Paid In Full = Yes  
11/08/2007: \*\* CLOSED/CANCELLED \*\*

History

06 031645 1438  
RSN 00 SS EDMUND  
AV

PW Sewer Permit  
Type: Sanitary  
Work Type: Repair  
Entered on: 02/17/2006  
Closed on: 03/09/2000

Finaled

# Saint Paul Police Department

## Address/Intersection Report

Address Search: 1438 EDMUND AV

Total Records: 91

(Sector 1, Grid 85)

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
14177077	08/20/2014 16:15:51	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
14098094	05/20/2014 19:33:50	1438		TRAFFIC VIOLATION-DANGEROUS CONDITIONS	GOA
14047478	03/01/2014 12:35:00	1438		ARSON-RESIDENTIAL,MULTIPLE OCCUPANCY,OTHER	RR
13257668	12/03/2013 08:33:51	1438		ASS-ASSIST FIRE/AMBULANCE	ADV
13207709	09/25/2013 02:32:06	1438		DISTURBANCE-FIGHTS	GOA
12223328	09/17/2012 14:44:15	1438		POLICE VISIT-PROACTIVE POLICE VISIT	TAG
12215077	09/07/2012 22:59:19	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12210707	09/02/2012 18:50:03	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12197335	08/18/2012 14:25:47	1438	UP	DOMESTICS	GOA
12173128	07/21/2012 21:49:05	1438		DISTURBANCE-FIGHTS	ADV
12170538	07/19/2012 00:14:42	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12142103	06/17/2012 13:57:40	1438		TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	ADV
12138195	06/13/2012 07:01:46	1438	UPST	911 HANGUP	SNR
12123328	05/26/2012 23:55:55	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12122786	05/26/2012 12:08:17	1438		DISTURBANCE-DISTURBANCE CALLS	GOA
12110544	05/11/2012 23:41:00	1438		INVESTIGATE-AND ALL OTHER	RR
12101606	05/01/2012 19:56:28	1438		DISTURBANCE-FIGHTS	ADV
12089527	04/17/2012 13:01:13	1438		INVESTIGATE-CODE ENFORCEMENT	ADV
12080440	04/06/2012 20:45:01	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
12080312	04/06/2012 18:30:11	1438		DRUGS-NARCOTICS	Unfou
12069551	03/25/2012 13:13:20	1438	UPST	DOMESTICS	ADV
12000229	01/01/2012 04:54:10	1438	UPST	DOMESTICS	SNR
11246447	11/23/2011 20:55:21	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	GOA
11246365	11/23/2011 18:48:34	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	GOA
11169937	08/16/2011 12:20:27	1438	B	911 HANGUP	CAN
11127774	06/23/2011 20:07:43	1438	UPPR	HARASSMENT-PHONE CALLS	ADV
11127598	06/23/2011 16:40:35	1438	LOWR	HARASSMENT-PHONE CALLS	ADV
11126602	06/22/2011 09:50:00	1438		BURGLARY-FORCED ENTRY,DAY,RESIDENCE	RR
11046426	03/09/2011 20:13:32	1438	MAIN	911 HANGUP	SNR
11043186	03/05/2011 02:55:00	1438	2	DOMESTICS	ADV

# Saint Paul Police Department

## Address/Intersection Report

Address Search: 1438 EDMUND AV

Total Records: 91

(Sector 1, Grid 85)

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
11028446	02/12/2011 07:21:29	1438	UP	WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS	ADV
11028444	02/12/2011 07:12:00	1438		INVESTIGATE-ASSIGNED TO CRIMES AGAINSTR PROPERTY	RR
10230049	10/21/2010 17:28:52	1438		INVESTIGATE-AND ALL OTHER	ADV
10207910	09/22/2010 19:22:00	1438		DRUGS-POSS OF MARIJUANA	RR
10181479	08/20/2010 09:34:38	1438	LOWR	FAMILY/CHILDREN-CHILD ABUSE	Unfou
10163300	07/29/2010 02:20:56	1438	LWR	DOMESTICS	ADV
10154161	07/18/2010 06:41:57	1438		DISTURBANCE-FIGHTS	ADV
10153588	07/17/2010 15:03:57	1438		WEAPONS-WEAPONS	TAG
10092244	05/04/2010 21:55:03	1438		DOMESTICS	ADV
10092234	05/04/2010 21:37:46	1438		DOMESTICS	GOA
10092221	05/04/2010 21:20:00	1438		DOMESTICS	CAN
10081279	04/20/2010 17:13:31	1438		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
10075111	04/13/2010 02:59:13	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
10074190	04/11/2010 23:19:10	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	GOA
10052062	03/15/2010 12:55:17	1438	UP	DOMESTICS	ADV
09201448	09/18/2009 19:30:43	1438		ASS-ASSIST CITIZEN CALLS, ALL	ADV
09201367	09/18/2009 18:08:48	1438		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
09201261	09/18/2009 16:51:09	1438		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
09201160	09/18/2009 14:38:14	1438	MAIN	HARASSMENT-PHONE CALLS	CAN
09201015	09/18/2009 12:20:55	1438		TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &CAN RUN	CAN
09201014	09/18/2009 12:20:11	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
09200912	09/18/2009 03:00:00	1438	Upper	DEATH-INVESTIGATION OF A DEATH	RR
09200771	09/18/2009 02:12:18	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
09195753	09/11/2009 21:35:31	1438		DISTURBANCE-DISTURBANCE CALLS	GOA
09195733	09/11/2009 21:15:54	1438		DISTURBANCE-DISTURBANCE CALLS	CAN
09167386	08/08/2009 00:39:44	1438		DOMESTICS	ADV
09166878	08/07/2009 15:12:17	1438	2	CHECK WELFARE	ADV
09161712	08/01/2009 15:02:11	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
09153167	07/22/2009 20:29:37	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
09148204	07/16/2009 20:58:56	1438	MAIN	911 HANGUP	CAN
09139759	07/06/2009 23:06:14	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
09137614	07/04/2009 13:40:41	1438	MAIN	DOMESTICS	ADV

# Saint Paul Police Department

## Address/Intersection Report

Address Search: 1438 EDMUND AV

Total Records: 91

(Sector 1, Grid 85)

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
09136678	07/03/2009 12:18:16	1438	MAIN	911 HANGUP	CAN
09104896	05/26/2009 21:16:42	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
09075854	04/20/2009 15:50:47	1438		INVESTIGATE -JUVENILE	ADV
09034649	02/21/2009 19:33:01	1438	UPST	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
09034405	02/11/2009 15:55:00	1438	2	THEFT-ALL OTHER,\$501 TO \$1000	RR
09030460	02/15/2009 13:58:02	1438	UL	DOMESTICS	ADV
09003109	01/05/2009 22:10:22	1438		ASS-ASSIST CITIZEN CALLS, ALL	ADV
08224117	10/27/2008 21:42:47	1438	LOW	HARASSMENT-PHONE CALLS	ADV
08224116	10/27/2008 21:42:10	1438	LWR	HARASSMENT-PHONE CALLS	CAN
08101059	05/31/2008 21:40:11	1438		DISTURBANCE-DISTURBANCE CALLS	GOA
07174313	08/30/2007 21:05:19	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
07085706	05/10/2007 19:47:35	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
07057061	03/30/2007 00:37:33	1438	1	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
06247134	12/05/2006 16:14:16	1438		INVESTIGATE-AND ALL OTHER	ADV
06243080	11/29/2006 10:48:58	1438	DOWN	INVESTIGATE-AND ALL OTHER	ADV
06131864	07/02/2006 02:30:00	1438		THEFT-FROM AUTO,UNDER \$500	RR
06086546	05/06/2006 21:06:36	1438	1	911 HANGUP	ADV
05141666	07/09/2005 19:39:55	1438		DOMESTICS	SNR
03172402	08/12/2003 21:19:29	1438		ASS-ASSIST CITIZEN CALLS, ALL	ADV
03167418	08/06/2003 21:31:17	1438		DISTURBANCE-DISTURBANCE CALLS	CAN
03155464	07/24/2003 18:37:58	1438	B	INVESTIGATE-AND ALL OTHER	CAN
03025146	02/09/2003 21:43:00	1438	UP	SEX OFFENSE-MOLESTING	RR
03013333	01/22/2003 08:13:35	1438	UP	FAMILY/CHILDREN-MENTAL/VULNERABLE ADULT	ADV
03011354	01/18/2003 18:17:13	1438	UPST	FAMILY/CHILDREN-MENTAL/VULNERABLE ADULT	ADV
03008601	01/14/2003 16:35:23	1438		DOMESTICS	ADV
02264216	12/04/2002 22:20:16	1438		FAMILY/CHILDREN-VIOLATION OF RESTRAINING ORDER	ADV
02141299	07/07/2002 01:39:58	1438		ANIMAL CALLS-COMPLAINTS,NOT ANIMAL BITES	GOA
01152880	07/23/2001 21:08:00	1438	1	THEFT-ALL OTHER,\$501 TO \$1000	RR
01099976	05/21/2001 22:01:00	1438	UP	AUTO THEFT-AUTOMOBILE	RR



cn	hno	st	ssfx	dir	xst	apt	cdisp	occdte	incd	sector	grid	timer	times	timea	timec	supv	sqd2	oday	idesc
9518571 1	01438	EDMUN D	AV			STAI	ADV	12/06/95	0037	1	85	0154	0155	0158			113	WED	SUSP ACTIVIT Y
9602960 3	01438	EDMUN D	AV				ADV	03/02/96	0037	1	85	0824	0826	0838	0859		120	SAT	SUSP ACTIVIT Y
9814494 5	01438	EDMUN D	AV			UPST	REC	09/02/98	1420	1	85	1958	2038	2046	2113		133	WED	VANDALI SM
9713666 8	01438	EDMUN D	AV				REC	08/24/97	0711	1	85	1242	1243	1258	1426		121	SUN	AUTO THEFT
9720251 4	01438	EDMUN D	AV				ADV	12/14/97	0065	1	85	0955	0956	1020	1037		120	SUN	ASSIST CALLS
9710444 4	01438	EDMUN D	AV				REC	07/06/97	0510	1	85	1803	1804		1840		134	SUN	BURGLA RY

**DISPOSITION KEY**  
**FOR**  
**ADDRESS PRINTOUTS**

**RR OR**

**RCV = RECEIVED**

A Police report was written.

**CAN = CANCELLED**  
was written.

The call was cancelled. No police report

**GOA = Gone On Arrival**

The police went to the scene of the call and upon arrival the disturbance/suspects were not there. No report was written.

**SNR = Services Not Rendered**

Police services were not required. No police report was written.

**ADV = Advised**

Police handled the situation at the scene and advised the people involved how to deal with it. No police report was written.

**TRF = Traffic**

A Traffic Tag (ticket/citation) was issued. No police report was written.

**PCN = Previous Case Number**

A case number (C.N.) was previously assigned to this incident at another time. Check that case number's disposition.

**UNF = Unfounded**

There was no reason for the call. No police report was written.

**DUP = Duplicate Call**

A Case Number (C.N.) was previously assigned to this incident at another time. Check that case number's disposition.

**DTX = Detox**

The police brought an individual to the Detox Center. No police report was written.

**MP = Morgan Plan (Traffic Accident Only).** The officer went to the scene of the accident, gave all parties an envelope and they were told to exchange envelopes. Each envelope had a state accident form and each party was told to send that form into the State DMV.

# **Saint Paul Police Department**

## **Name Search**

Person Search: Last, first, middle names starts with "WALCZAK", "JERRY", ""

Total Records: 3

<b>Name &amp; Address</b>	<b>Juv</b>	<b>Person Type</b>	<b>Complaint #</b>	<b>Occur Date &amp; Time</b>	<b>Incident Type</b>
Walczak, Jerry 1145 Rockstone LA, New Brighton, MN 55112 <i>Home Phone:</i>		Complainant	05214527	10/4/2005 4:00:00 PM	THEFT-ALL OTHER,\$501 TO \$1000
Walczak, Jerry 1438 EDMUND AV Apt Lower, ST PAUL, MN 55104 <i>Home Phone:</i>		Victim	13257907	12/3/2013 8:25:00 AM	ARSON-RESIDENTIAL,MULTIPLE OCCUPANCY,ENDANGERING LIFE
Walczak, Jerry L 1145 ROCK STONE LN, NEW BRIGHTON, MN 55112 <i>Home Phone:</i>		Victim	14047478	3/1/2014 12:35:00 PM	ARSON-RESIDENTIAL,MULTIPLE OCCUPANCY,OTHER



## Housing

### Introduction

The Hamline Midway Community Plan seeks high quality housing of diverse character and densities by encouraging maintenance and improvement of existing homes while embracing new higher-density housing development. This plan also envisions a healthy balance between owner-occupied and rental properties.

### Housing Objectives and Strategies

H 1. Encourage the maintenance and improvement of existing housing stock. ↗↑

H 1.1 Support funding assistance to help homeowners with housing maintenance, repairs, and remodeling.

H 1.2 Support targeted home remodeling programs that have a broad community impact and/or public health benefits (e.g. exterior repairs, encourage lead paint remediation, lead water line replacement, etc.).

H 1.3 Promote a contracting co-op where homeowners with similar repair needs can receive a volume discount by providing a certain amount of work to a contractor.

H 1.4 Explore and support efforts proactively address vacant residential properties. ↗↑

H 2. Maintain sustainable rental opportunities.

H 2.1 Foster relationships between rental property owners and the neighborhood to improve the condition and aesthetic of properties.

H 2.2. Create a marketing strategy to promote the

“Hamline-Midway” neighborhood on rental property listings.

H 2.3 Explore senior housing options, such as a senior housing co-op or assisted living rental buildings. ↗↑

H 3 Provide a variety of new housing options, particularly near the Green Line LRT.

H 3.1 Prioritize redevelopment on University Avenue and Snelling Avenue for high density housing or mix-used development that includes housing. Such development should be appropriate to an urban setting with an emphasis on transit-oriented design.

H 3.2 Encourage infill housing development on appropriate sites.

H 3.3 Encourage development that fill gaps in Saint Paul housing stock, such as larger rental units.

**City of Saint Paul**  
**Planning Commission Resolution**  
**File Number** \_\_\_\_\_  
**Date** \_\_\_\_\_

WHEREAS, Cullen LLC, File #14 -355-570, has submitted a site plan for review under the provisions of Sec. 61.400 of the Saint Paul Legislative Code, for a new 14- unit apartment building on property located at property address 2138 Grand Avenue , legally described as Summit Wood Lots 35-37; and WHEREAS, the Zoning Committee of the Planning Commission, on February 5, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings as required under the provisions of §61.402(c) that the site plan is consistent with:

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan meets this finding. The comprehensive plan calls for increasing residential density and providing a variety of housing options.

*The Land Use Chapter of the Comprehensive Plan:*

- Maps in the Plan show this site in an area along Grand Avenue designated as a *Residential Corridor* and says "Policies in this strategy direct new, higher density development to Downtown, the Central Corridor, Neighborhood Centers, Residential and Mixed-Use Corridors." (p. 8)
- "The core goal of Strategy LU-1 ... is higher density development. Higher density means that new residential, commercial and industrial development will be at densities greater than currently found in the community (e.g. ... small apartment buildings, larger scale multi-family apartments and condominiums where there is now small scale housing....)" (p. 7)
- "Existing zoning standards, as well as new zoning standards and districts, will be used ... to allow higher density in ... Residential ... Corridors." (p. 8)
- The most directly applicable policy for this zoning case is under the section for Established Neighborhoods which says: "LU 1.9. Encourage the development of medium density multi-family housing along Residential Corridors." (p. 10)
- The Plan talks about goals for densities:
  - A sidebar defines medium density as ranging from 15 to 30 units per acre, and says that increasing densities "in Residential Corridors, Neighborhood Centers, and Mixed Use Corridors will go far in achieving the objective of compact, mixed-use development that supports transit." (p. 8)
  - In comparison, this project of 14 units has a density of 24 units per acre based on lot area plus the bonus for structured parking or a density of 32 units per acre based on lot area alone.

**Moved by** \_\_\_\_\_  
**Seconded by** \_\_\_\_\_  
**In Favor** \_\_\_\_\_  
**Against** \_\_\_\_\_

*The Housing Chapter of the Comprehensive Plan:*

“Greater housing density will be the hallmark of the next 20-30 years. This density should be geographically focused on transit and commercial corridors....” (p. 2)

*Macalester Groveland Plan*

The plan says “Maintain the single family character of the district” but also says “Diversify housing to meet the needs of all income levels and lifestyles....” (p. 2)

2. *Applicable ordinances of the City of Saint Paul.*

The site plan meets this finding. The site plan meets all applicable ordinances including zoning standards for density, building height, setbacks, lot coverage, parking and alley access. These are reviewed in more detail in Attachment A of the staff report.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan meets this finding. The plan does not impair any unique geologic or geographic characteristics. The site is a half block from the West Summit Avenue Historic District but it is not located in the District.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan can meet this finding if certain conditions are added to the approval.

Stormwater from the site will be directed to the City sewer system and will not drain to adjacent properties. On-site stormwater retention to control the rate of run-off is provided by a pipe system under the front lawn. The stormwater and sewer plans have been reviewed by Public Works Sewer Division and can get final approval subject to minor, technical changes.

The building has no balconies or patios where noisy outdoor activities would be most likely. The Department of Safety and Inspections (DSI) wants more information about the car elevator, including how loud it will be. If the garage roof were used as a party space, noise could project toward the neighbors. Requiring that the lease agreements specify that the garage roof can't be used for social activities, cook-outs etc. is a reasonable condition of site plan approval.

Lighting for parking area, garage and other outdoor areas must be directed and shielded so that it doesn't shine toward the neighbors. This is particularly true for the upper parking level.

The entrances to the garage except are open without doors, for the elevator. Providing doors for these entrances would provide additional sound/site buffers. But this would require a ventilation system for the garage that could result in some additional noise.

The parapet for the parking garage would act as a visual screen for cars. The parapet must be 4.5' tall to meet zoning standards for visual screens.

Construction staging (storage of materials, equipment etc.) for the Grand- Finn building was a big problem for the neighborhood because the underground garage was excavated from property

line to property line, leaving only the public streets for work space. The current proposal should not be so disruptive because there will be room on the site for materials and equipment. Construction staging should be principally from Grand Ave. with as little use of the alley as possible. Requiring a plan for construction activities and staging that has been reviewed and approved by Public Works before any construction activity begins is a reasonable condition of site plan approval.

The building will inevitably affect views and cause shadows, but these impacts are within the expected parameters for buildings in the RM2 zone.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The site plan can meet this finding if certain conditions are added to the approval.

The conditions regarding stormwater, noise and lighting are the same as in finding 4 above. In addition, the noise and lights caused by the 28-car parking facility could be partially mitigated by extending the proposed wood privacy fences along the side property lines all the way back to the alley.

An unfortunate effect of this site plan is to leave houses on single, isolated 40-foot lots on either side of the proposed building. (The house to the east is a duplex and the one to the west is single-family.) Staff was told that the applicant tried to buy the duplex on the east side but could not reach an agreement on price with that property owner.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan meets this finding. Providing higher density housing within walking distance of the St. Thomas campus and near the shuttle system for the other colleges in the community will help to reduce the number of students who need to drive to school. The Grand Ave. bus route goes eastbound to downtown Saint Paul and westbound to the Green Line.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The applicant submitted a Planning-Level Review of Traffic Impacts by a registered traffic engineer on 1/14/15. Based on the analysis of six similar housing developments near the University of Minnesota, the review states that student housing near a campus generates only one-third as many vehicle trips per day as a standard suburban apartment building, yielding in this case only an average of 82 vehicle trips per weekday. The engineer concludes: "The additional traffic generated by the proposed Grand Ave. Apartments is equivalent to approximately 1 to 2 percent more traffic than existing conditions at the intersection of Grand Ave. and Finn St. Since traffic volumes at urban intersections typically fluctuate 5 to 10 percent on a daily basis, this increase will not likely be noticeable."

Access to the parking is from the alley rather than from Grand Avenue. The zoning code says "access to parking shall be from an abutting improved alley when available, except where it is

determined in the review of a site plan application that there are circumstances unique to the property that make this impractical, unreasonable or harmful to the public safety. This is not the case here. The use of the alley for vehicular access is typical throughout the neighborhood. There are existing single-family houses, duplexes and x apartment buildings on this block with alley access, including one 1960's apartment building with a large parking lot with access from the alley. There is a similar large apartment building on the block to the east with a large parking lot that has alley access.

The maneuvering space for some of the parking spaces in the garage is tight, especially on the upper deck of the parking garage. Staff asked that applicant to submit AutoTurn templates and revise the upper deck spaces if necessary. (The project has more parking than the code requires so eliminating a space or two would not affect the project's compliance with zoning standards.)

The applicant has told staff that he intends to change the swinging elevator gates shown on the upper parking deck to an overhead garage door (the same as the lower level.) This would simplify parking.

This block of Grand Ave. is included in residential permit parking area 22. For the Grand & Finn Apartments, the Planning Commission and City Council limited the number of permits for the building to no more than one permit per unit and five permits for general building use, provided that all of the off-street spaces were leased first. A similar condition for this project is reasonable since it would contradict the intent of off-street parking requirements if city permits for on-street parking were readily available and cheaper than lease rates for the building's off-street parking.

The zoning code only requires one parking space for bicycles. The site plans shows 3 spaces. In comparison, the previous apartment at Grand and Finn was required to provide a little more than one bicycle parking space per apartment. Requiring a similar ratio for this project is a reasonable condition, given the size of the units.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan meets this finding. The site has adequate sewer availability and the site meets the City's requirements for the stormwater. Stormwater will be directed to the public storm sewer and will not drain to adjacent properties. There are a few technical details that need to be worked out yet and final approval of the sewer plan by Public Works is a reasonable condition for approval of site plan.

The plan shows sanitary sewer lines for both the main building and the garage. Drains in garages like this receive some automotive drippings and so the Building Code requires them to provide a "flammable waste trap" as part of the sanitary sewer

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*  
The site plan can meet this finding if certain conditions are added to the approval.

The landscape plan submitted in the application is very minimal. It shows two boulevard trees,



sod, and a single row of perennial plants along the front foundation. A reasonable condition of site plan approval is that a more robust plan be submitted that is comparable in quality to typical residential landscaping in Macalester-Groveland. For example, shrubs should be used in the front yard. There is an existing large tree in the back yard. This should be saved if this is feasible. If it is not feasible, a new shade tree should be planted to replace it in the green space in the back yard.

The plans show a sidewalk in the front yard running parallel to the public sidewalk that leads to the west side of the building. This sidewalk disrupts the lawn in the front yard and so the route of this sidewalk should be modified to run straight out to the public sidewalk without disrupting the lawn.

The privacy fences that are shown on the east and west property lines should be extended further towards the alley. The plans show that these fences will be 6' high, but they do not specify the fence material. The City typically requires they be constructed of wood.

The plan provides adequate off-street parking.

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan meets this finding. Two handicapped parking spaces are proposed in the tuck-under garage within the rear of the building. Both the front and back doors are accessible.

11. *Provision for erosion and sediment control as specified in the ``Ramsey Erosion Sediment and Control Handbook.''*

The site plan meets this condition. The site plan includes an adequate plan to control erosion and sediment during construction.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Graham Merry for a site plan review to construct a new 14- unit apartment building on property located at property address 2138 Grand Avenue, legally described as Summit Wood Lots 35-37; is hereby approved subject to the following conditions:

1. A final plan for sewers and stormwater management must be approved by Public Works. The garage requires a flammable waste trap. The sanitary sewer connection for the garage must be routed on the west side of the building if possible to avoid the roots of an existing tree on the adjacent property to the east.
2. A final plan for water service must be approved by Saint Paul Regional Water.
3. Approval of the car elevator by DSI Plan Review staff based on the submission of evidence that the elevator will work safely in all types of weather and will be reasonably quiet.
4. Approval by the Public Works traffic engineer of maneuvering for the parking spaces in the garage structure.
5. The parapet walls of the upper deck must meet zoning code standards for height (minimum 4.5'). In addition, they must be constructed to meet Building Code standards for side vehicular impacts.
6. Outdoor and garage lighting must be directed and shielded so that it does not shine toward the

neighbors; lighting for the upper deck of the garage must be wall-mounted down-lighting.

7. That the upper parking deck must not be used for parties or social activities; the property owner or manager must include this prohibition in the lease agreements with tenants.
8. City-issued on-street parking permits shall be subject to the following stipulations:
  - (a) All of the off-street parking spaces for the building shall be leased out prior to the issuance of any on-street permit;
  - (b) The building owner or manager must provide a signed and notarized statement no more than 90 days old affirming that all of the off-street parking spaces are leased before Public Works will issue any on-street permit;
  - (c) No more than 14 permits shall be issued to apartment residents and no more than four permits shall be issued for the general use of the building.
9. More bicycle parking must be provided to accommodate residents and visitors. Based on what was required for the Grand-Finn building, at least 14 spaces (one per unit) must be provided.
10. A revised, more robust landscape plan must be submitted and approved by site plan review staff that includes shrubs in the front yard. Large existing trees must be protected during construction and saved if feasible and if this is not feasible, new shade trees must be planted in the same general location. The privacy fences should be extended toward the alleys and constructed of wood.
11. The windows for the apartment building must be designed with to meet the design standard for punched windows that create a strong rhythm of light and shadow.
12. A plan for construction staging must be approved by staff from DSI and Public Works. Construction access should be primarily from Grand Avenue. Use of the alley must be limited as much as possible. The site plan must show how temporary pedestrian access will be provided for periods when the public sidewalk may need to be closed for construction, including installation of utilities.
13. Snow must be plowed and stored so that it does not interfere with access to parking spaces. Snow must be removed from the site if needed to meet this condition. Snow may not be stored in the adjacent public alley or on the adjacent private properties.
14. The private sidewalk leading to the west side of the building must be rerouted so that it does not run across the front yard in front of the building. If access to the west side of the building is needed, the sidewalk must run directly out to the public sidewalk on Grand.
15. During the construction of the project, the applicant and his contractor will provide updates on the status of construction and upcoming construction activity that would affect the neighborhood. These updates will be sent to a liaison chosen by the neighborhood and sent at least once a week.

**From:** Alyssa Rebensdorf [mailto:[alyssa.rebensdorf@gmail.com](mailto:alyssa.rebensdorf@gmail.com)]

**Sent:** Thursday, February 05, 2015 3:49 PM

**To:** Beach, Tom (CI-StPaul); #CI-StPaul\_Ward4; [mgcc@macgrove.org](mailto:mgcc@macgrove.org)

**Cc:** David Gibson; Rachel Westemeyer; Cheryl Fogarty

**Subject:** File 14-355570 - Concerns About Proposed Grand West Apartments at 2138 Grand

Mr. Beach:

I am writing in opposition to approval of the proposed site plan for a second private student dorm at 2138 Grand Avenue. My opposition is based on flawed design considerations, the impact of the building on surrounding properties, as well as for the reasons set out in David Gibson and Ryan Coon's well-written email to you (enclosed below). I live at 2096 Lincoln Avenue, around the corner from the existing private dorm and the proposed second building.

Last year, after Mr. Merry first advised the City and neighbors of his aspiration to build a second dorm on this site (and sought a variance to do so), he stated in public meetings that he is a developer and that his interest is in making money. We understand that imperative, and also understand that the City is interested in development that increases tax revenue. Where we get concerned, as neighbors to these two projects (one completed and one proposed), is where monetary considerations so drive the project that other significant considerations are pushed to the side and red flags are ignored.

Mr. Gibson and Mr. Coon do a very good job of expressing some of the concerns shared by many of us who live near this proposed project.

### **CAR ELEVATOR**

The biggest red flag for many of us is what I call the "experimental" garage elevator. This elevator would be a first in St. Paul and its design has not been fully considered or fully reviewed by the City. We understand that the developer suggested there was a comparison elevator in Dinkytown. This comparison equipment is only a comparison in that it is a car lift associated with an apartment building.

- The Dinkytown elevator is incorporated into a site that Mpls. PED calls "unusual." It is an infill site where a five-story modern apartment structure has been constructed behind and attached to three older brick brownstones that face the street. The apartment building has been constructed in a very tight space, and an elevator became necessary when the developer had to abandon plans to construct underground parking. The elevator provides access to the second floor of this building, which is now a floor of parking.
  - The flat rectangular site that Mr. Merry wants to build on is not "unusual" from a development perspective. The elevator only seems to be "required" because Mr. Merry is trying to squeeze every inch from this site as he can.
- The Dinkytown elevator is completely incorporated into and enclosed deep within the new building.
  - Mr. Merry's elevator is an unenclosed part of an outdoor garage structure, and its functioning will be subject to weather conditions, in all their Minnesota glory.

- The Dinkytown elevator has not yet been approved by the City of Minneapolis, so it is not possible to assess the noise it makes, but our assumption has been that as a fully enclosed structure, its operating noises are also "enclosed."
  - Mr. Merry's elevator is located in an open garage structure located on an alley shared by single family homes on Lincoln Avenue (which means these neighbors will hear the elevator through their open windows and from their backyards at all hours."

Even assuming the Dinkytown elevator is someday approved by the City of Minneapolis, it is not a valid comparison site or similarly functioning piece of equipment. I repeat the very real question that Mr. Gibson asks regarding the spectre of continuous equipment failure: What remedies does the City of Saint Paul have if the parking structure does not continue to offer the off-street parking promised during the approval process?

### **STREET PARKING**

We support conditions that require Mr. Merry's tenants to fully rent his on-site parking before the City will issue a limited number of on-street parking permits. It will help us reduce congestion (or rather - avoid increased congestion) in this parking-sensitive neighborhood where each existing student rental house (parent owned and absentee landlord owned) already brings four or more cars to our streets. (Each student rental receives four permanent parking stickers and two guest passes). There is no reasonable justification for Mr. Merry to oppose a parking condition.

### **DESIGN**

Mr. Merry's first building has been rightly criticized as a cheaply built structure with little architectural appeal. Particular complaints have been raised about the 2-3-ft imposing concrete wall that directly abuts the sidewalk, the lack of a visually appealing front door, and the uninspired landscaping (NOTE: most of the shrubs planted in the alley were allowed to die in their first season, and Mr. Merry has shown no sign of replacing them). Students who have lived in this first building and since moved out report that it is expensive, not well insulated, noisy, and cheap. One student told me the "granite" countertop in her apartment broke when a friend leaned on it.

This second private dorm is no better a structure. Like the first building, it lacks critical design elements that make it appealing to anyone walking or driving by it. It is ironic and unfortunate that Mr. Merry proposes to bring this structure to Grand Avenue at the exact moment in time when the City is working to encourage developers of tear downs to improve their designs, with a goal of preserving residential character and avoiding monotonous cookie cutter design. Mr. Merry's second private dorm has the same sterile, cheap institutional design as his first building. It is as if UST came south of its campus boundary to start building dorms, but left the architect (and the Kasota stone) behind. Is there nothing that this developer is willing to do to improve the design and if not voluntarily, is there nothing more the City can require of him?

### **SURROUNDING PROPERTIES**

What now is the fate of the two lone houses on either side of the proposed second building? Is this not a virtual taking?

### **INTERIOR LAYOUT**

Commentators have also noted the Mr. Merry has designed three-bedroom units that look just like four-bedroom units, but for the elimination of a single wall. Mr. Merry has not reported whether these units have different rent structures, nor can he confirm that the three-bedroom units will be permanently restricted to three students. What is to prevent two students from sharing the "master bedroom" in this three-bedroom unit, or from a wall later being constructed to restore the apartment to the original four-bedroom design? Will we then have more students, and their cars, looking to share the space?

With these multiple red flags, we ask that the Planning Commission reject this proposed site plan and ask Mr. Merry to return to the City when he has a proposal and a design that genuinely fits into this easy-to-build-on flat rectangular site in a more sound, functional, trustworthy and visually appealing way. He can build a better building, and the City must take the lead in helping him get there.

Thank you.

Alyssa Rebensdorf

On Wed, Jan 28, 2015 at 10:38 AM, David Gibson <[dagibson@gmail.com](mailto:dagibson@gmail.com)> wrote:

Mr. Beach,

We are the owners and residents of 2153 Lincoln Avenue, located across the alley from the proposed Grand West apartment site. We will be out of town during the public hearing regarding Cullen LLC's proposal and wanted to provide a written response.

We have concerns about the garage structure. We are worried about noise from the garage elevator. We are unfamiliar with how this type of car lift operates; however, we want to ensure the City of Saint Paul considers the noise level. A loud outdoor elevator would be disruptive to the residential neighborhood during all hours of the day and night. This noise would directly impact all of the residential homes sitting across the alley from the parking garage.

Additionally, we are concerned that the elevator will malfunction shortly after the building is occupied and remain out of commission indefinitely. This would result in additional street parking and would allow Cullen the bonus square footage within the building without the required additional parking. What remedies does the City of Saint Paul have if the parking structure does not continue to offer the off-street parking promised during the approval process? As we understand it, the only somewhat similar car lift in the Twin Cities is fully enclosed and indoors, which would mitigate noise and reduce the risk weather would decommission the lift. Cullen LLC's lift sounds different and unreliable.

We want to reiterate questions about snow removal from the garage and the driveway area. There will be very little room on the apartment's property to place snow. The alley could become difficult to navigate if snow piles up against it. In addition, the snow could prevent access to the garage structure and cause the lift to malfunction.

Finally, we are very concerned about the increase in street parking. We are worried that Grand West apartment residents will not want to pay an additional charge to park in the garage and instead obtain much cheaper street permits. The neighborhood already heavily utilizes street parking. The proposed apartment will substantially increase the amount of residents living in the area. The purpose of allowing bonus square footage is to reward developers that mitigate parking issues. We feel that if Cullen LLC wants to obtain bonus square footage for offering off-street parking, it should be required to fill the off-street parking before street parking permits are issued to its residents.

We appreciate your consideration of our concerns as you assess Cullen LLC's proposed project.

Sincerely,  
Ryan Coon  
David Gibson

David Gibson  
[dagibson@gmail.com](mailto:dagibson@gmail.com)





## CITY OF SAINT PAUL

*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6565  
Facsimile: 651-228-3261

**Date:** February 6, 2015  
**To:** Planning Commission  
**From:** Neighborhood Planning Committee  
**Re:** Minor Text Amendments to Chapters 60-65 after 12/5/2014 public hearing

On December 5, 2008 the Saint Paul Planning Commission initiated a study of the Zoning Code to address minor text errors and clarify language in the zoning code.

Staff has been in the process of conducting this study and began work with Chapters 60 and 61 of the Zoning Code. A public hearing was held at the February 19, 2010 regular meeting of the Planning Commission. Subsequently the City Council adopted Ordinance 10-349 amending the zoning code to reflect those amendments.

Since that time additional changes have been made to both references in and interpretations of the code within these chapters, as well as additional typographical and contextual errors were found. This package addresses those edits and modifications. A public hearing was held Dec. 5, 2014.

### **Public hearing testimony**

One person spoke at the public hearing. Benita Warns (1440 LaFond) stated that she has concerns about the change to the language in Sec. 61.601 regarding variances, specifically 61.601(d) which states, "The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area." Ms. Warns primary concern was that eliminating this portion would negatively affect areas experiencing redevelopment, potentially with larger buildings, which might negatively impact the adjoining property owners' ability to access light and air for things like gardening, enjoying sunlight on personal property and other related issues. She suggested a change to the language that ensures that adjacent property owners' access to light and air not change if and when a taller structure requiring a variance might be built on adjacent property.

### **Recommendation**

The changes to the variance findings are written so that the variance findings are consistent, as required by law, with MN Stat. 462.357, Subd. 6. Sec. 60.601(a) states that the variance must be in harmony with the general purposes and intent of the zoning code; the Intent and Purpose section of the Zoning Code, in Sec. 60.103(e) states one of the purposes of the zoning code as "to ensure adequate light, air, privacy and convenience of access to property." It is one of 20 zoning code purposes specifically listed in Sec. 60.103. Thus, this purpose is covered, it is not necessary to restate one particular purpose in Sec. 61.601, and no change is recommended to the draft language.

The Neighborhood Planning Committee recommends the Planning Commission forward this report and the following draft zoning minor text amendments pertaining to Chapters 60, through 62 and portions of Chapters 63 and 65 to the Mayor and City Council with a recommendation for approval.

# Draft Minor Text Amendments Package –02/05/2015

## Chapter 60. Zoning Code – General Provisions and Definitions

### ARTICLE I. 60.100. GENERAL PROVISIONS AND EXCEPTIONS

#### Sec. 60.104. - Construction of language.

The following rules of construction apply to the text of this code:

...

~~(e)~~ The word "building" includes "structure" and any part thereof.

~~(e)(f)~~ The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

~~(f)(g)~~ The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

~~(g)(h)~~ Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

...

~~(h)(i)~~ "Abut" means having a common boundary or relationship at ~~either~~ a common property line, street or alley.

~~(i)(j)~~ "Adjacent" means located nearby, with or without contact.

~~(j)(k)~~ "Adjoin" means having a common boundary or relationship at a common property line.

~~(k)(l)~~ "Contiguous" means abutting.

~~(l)(m)~~ A "—" shall mean "through" when used between zoning district abbreviations within a land use category, e.g., "RT1—RM2" residential districts shall mean RT1, RT2, RM1, and RM2 residential districts.

[The terms *building* and *structure* are defined separately and are different.]

### ARTICLE II. 60.200. GENERAL DEFINITIONS

#### Sec. 60.214. M.

...

~~*Master plan.* A plan for a specific site proposed for development or redevelopment under the provisions of the TN3 district, in order to demonstrate compliance with the intent of the district.~~

[This definition is out of date and is not needed here. § 66.344(b) *Master plan* applies to more than just the T3 district and is clear about what a master plan is without a separate definition here.]

**Sec. 60.216. O.**

...

*Open space.* Land and water areas retained for use as active or passive recreation areas or for resource protection. For the calculation of minimum open space within a TN3 traditional neighborhood district development, open space shall not include parking facilities, driveways, utility or service areas, or required yards.

[This district is no longer referred to as TN, but T.]

**Sec. 60.217. P.**

...

*Planning district.* One (1) of seventeen (17) geographic areas delineated, and from time to time amended, by the city council to facilitate citizen participation, early notification of proposed city actions, and planning for the purpose of determining concentration of community residential facilities. ~~Planning District Thirteen is divided into three (3) separate planning districts: Merriam Park, Snelling-Hamline and Lexington-Hamline.~~ An official map of the designated areas is maintained by the department of planning and economic development.

[District 13 is no longer divided into 3 separate planning districts.]

**Sec. 60.220. S.**

...

~~*Swimming pool.* A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.~~

[Move this definition to be with the regulations for this accessory use in Article 65.900, Accessory Uses.]

**Sec. 60.227. Z.**

...

*Zoning conditional uses and variances*

(1) *Conditional uses:* A conditional use is a use permitted only after review and approval of an application by the planning commission, or the planning or zoning administrator where delegated to do so pursuant to section ~~61.300~~ 61.202(c).

(2) *Variance:* A modification of the literal provisions of the zoning code granted when strict enforcement of the zoning code would cause ~~undue hardship~~ practical difficulties owing to circumstances unique to the individual property on which the variance is granted. There are two (2) categories of variances:

[Brings language in line with MN Stat. 462.357, Subd. 6.]

...

## ARTICLE III. 60.300. ZONING DISTRICTS AND MAPS GENERALLY

### Sec. 60.301. Zoning districts established.

For the purposes of this code, the city is hereby divided into the following zoning districts:

...

(g) Overlay districts.

SF state fair parking and vending overlay districts

TP tree preservation overlay district

SD Shepard Davern commercial and residential redevelopment overlay districts

WB White Bear Avenue overlay district

HV Hillcrest Village overlay district

EG East Grand Avenue overlay district

SH Student housing neighborhood impact overlay district

[East Grand Avenue Overlay District was added in 2006. Student Housing Overlay District was added in 2012]

...

(i) Floodplain management overlay districts

FW floodway overlay district

FF flood fringe overlay district

[Regulations for these districts, pursuant to FEMA requirements, were adopted as a separate chapter 72 in 2010.]

## Chapter 61. Zoning Code – Administration and Enforcement

### ARTICLE. I. 61.100. GENERAL PROVISIONS

#### Sec. 61.107. Conditions of approval.

The planning commission, planning or zoning administrator, board of zoning appeals, or city council may impose such reasonable conditions and limitations in granting approval of a site plan, conditional use permit, similar use determination variance or other zoning approval, ~~and in making a similar use determination,~~ as are determined to be necessary to fulfill the ~~spirit~~ intent and purpose of the zoning code, to ensure compliance, and to protect adjacent properties and additionally, when approving a variance, as are directly related to and roughly proportionate to the impact of the variance

[Edited to bring the variance findings and conditions language in this code into compliance with the new state variance language in MN Stat. 462.357, Subd. 6.]

### ARTICLE. III. 61.300. GENERAL APPLICATION AND REVIEW PROCEDURES

...

#### Sec. 61.302. Application forms and fees.

...

- (b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:

...

- (8) *Rezoning:* One thousand two hundred dollars (\$1,200.00) up to one (1) acre of land, two hundred fifty dollars (\$250.00) for each additional acre of land, and an additional fee of five hundred dollars (\$500.00) for rezoning to ~~TN3(M) Traditional Neighborhood~~ any Zoning District with a master plan and an additional fee of one thousand dollars (\$1,000.00) for rezoning to PD Planned Development District.

[The code now provides for master plans for other districts.]

...

### ARTICLE. IV. 61.400. SITE PLAN REVIEW

#### Sec. 61.402. Site plan review by the planning commission.

- (a) *Plan to be submitted.* A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except one- and two-family dwellings, and including the following:

....

- (4) Any development in a ~~TN~~ district.

...

- (c) *Site plan review and approval.* In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

...

- (5) The arrangement of buildings, uses and facilities of the proposed development in order to ~~assure~~ ensure abutting property and/or its occupants will not be unreasonably affected.

...

- (d) *Compliance and time requirements.* The planning commission may make such requirements with respect to the above matters as to ~~assure~~ ensure compliance with them. When changes are required, the revised site plan shall be submitted within six (6) months from the date the applicant was notified of required changes. The zoning administrator may grant extensions. The property must be brought into compliance with the approved site plan within one year of the date of approval or as otherwise specified by the zoning administrator.

[Usage correction.]

...

## ARTICLE. V. 61.500. CONDITIONAL USE PERMITS

### Sec. 61.503. Conditional use permit, change requiring new permit.

...

(b) The floor area of a conditional use expands by fifty (50) percent or more. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a conditional use.

[Correction of a typographical error.]

### Sec. 61.505. Conditional use permits, automatic expiration.

Unless expressly provided by the planning commission, when a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of ~~three hundred sixty-five (365) days, one (1) year,~~ or when a conditional use changes to a permitted use not requiring a conditional use permit, the conditional use permit shall automatically expire. Except for conditional use permits for a college, university, seminary, or similar institution of higher learning if the lot area of a conditional use is subsequently reduced in size, unless the reduction results from acquisition by governmental agencies for public improvements or uses, the conditional use permit shall automatically expire. If a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of ~~three hundred sixty-five (365) days, one (1) year,~~ the conditional use permit shall automatically expire. When an approved conditional use is not established in accordance with section 61.105, or is established and subsequently changed to a conditional use requiring a new permit under section 61.503, the conditional use permit shall automatically expire.

(C.F. No. 07-348, § 1, 5-9-07)

[One year is consistent with other time periods in the code. When the reduction in size stems from eminent domain or other acquisition by governmental agencies for public improvements or uses, it should not cause the CUP to expire. The colleges are concerned that they might lose their CUP if they sell off a part of the campus. This provides clarifying language per the colleges' request.]

## ARTICLE. VI. 61.600. VARIANCES

### Sec. 61.601. Variances.

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) The variance is in harmony with the general purposes and intent of the zoning code.
- (b) The variance is consistent with the comprehensive plan.
- (ca) The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in question cannot be put to a reasonable manner not permitted by use under the strict provisions of the code; Economic considerations alone do not constitute practical difficulties.
- (db) The plight of the landowner is due to circumstances unique to the property, and these circumstances were not created by the landowner.



- ~~(c) The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul;~~
- ~~(d) The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;~~
- (e) The variance, ~~if granted, would~~ will not permit any use that is not allowed ~~permitted under the provisions of the code for the property in the zoning district where the affected land is located,~~ ; ~~nor would it alter or change the zoning district classification of the property; and~~
- (f) ~~The request for variance will not alter the essential character of the surrounding area is not based primarily on a desire to increase the value or income potential of the parcel of land.~~

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. ~~Hardship as described in the finding set out in subsection (a) above shall include the need for Inadequate~~ access to direct sunlight for solar energy systems constitutes a practical difficulty in finding (c) above.

[Edited to bring the variance findings and conditions language in this code into compliance with the new state variance language in MN Stat. 462.357, Subd. 6.]

## Chapter 62. Zoning Code – Nonconforming Lots, Uses and Structures

### Sec. 62.109. Nonconforming use permits

...

- (d) *Expansion or relocation of nonconforming use.* The planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:
  - (1) In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units;
  - (2) For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;
  - (3) The appearance of the ~~enlargement~~ expansion or relocation will be compatible with the adjacent property and neighborhood;
  - (4) Off-street parking is provided for the ~~enlargement~~ expansion or relocation that meets the requirements of article 63.200 for new uses;
  - (5) Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use;
  - (6) After the ~~enlargement~~ expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;

...

[The word "enlargement" was struck in Ordinance 12-71, but was not edited properly in the final version.]

## Chapter 63. Zoning Code – Regulations of General Applicability

### ARTICLE.I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

#### Sec. 63.119 – Sec. 63.121. Reserved.

#### **Sec. 63.120. Private residential pools and hot tubs.**

~~Private outdoor residential pools, both above and below ground, and hot tubs are permitted as an accessory use within the rear yard or nonrequired side yard; except that, for multiple family developments, the planning commission may determine the location of the pool or tub. Private outdoor pools and hot tubs shall meet the following requirements as applicable:~~

- ~~(a) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall for aboveground pools. For in-ground pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.~~
- ~~(b) There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.~~
- ~~(c) No swimming pool shall be located less than ten (10) feet from any side street or alley right of way, or the distance required for side yard by the zoning code, whichever is greater.~~
- ~~(d) No swimming pool shall be located in a public easement.~~
- ~~(e) All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.~~
- ~~(f) All yards containing hot tubs shall be secured as in subsection (5) above or shall have a cover which shall be locked when the hot tub is not in use.~~

[Move this section, along with the definition of *swimming pool* in Sec. 60.220, to Article 65.900, Accessory Uses, where these requirements for specific accessory uses belong.]

#### **Sec. 63.121. Radio and television antennas.**

~~Antennas, including single satellite dish TVRO's three (3) meters or less in diameter, short wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, ham radio transmitters and television receivers, are permitted as accessory uses in all zoning districts and shall meet the following requirements:~~

- ~~(a) Accessory antennas shall not be erected in any required yard, except a rear yard, and shall be set back a minimum of three (3) feet from all lot lines.~~
- ~~(b) Guy wires or guy wire anchors shall be set back a minimum of one (1) foot from all lot lines.~~
- ~~(c) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district.~~

[The definition and standards for accessory uses such as this belong in Article 65.900 Accessory Uses.]

...

**Sec. 63.304. Parking location, nonresidential.**

Off-street parking for other than residential use shall be either:

- (a) On the same zoning lot as the building it is intended to serve; or
- (b) In a VP vehicular parking district, the same or a less restrictive zoning district as the principal use, or within a more restrictive zoning district providing the principal use is also an allowed use in that zone; ~~T~~<sup>T</sup>his parking shall be located within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot; or

[Correction of a typographical error.]

...

**Sec. 63.316. Paving.**

All parking spaces, driveways and off-street parking facilities shall be paved with standard or pervious asphalt or concrete, or with brick, concrete or stone pavers, or material comparable to the adjacent street surfacing, in accordance with specifications of the zoning administrator, within one (1) year of the date of the permit except as provided in section 61.402(e). For one-family and two-family dwellings, driveway pavement may be limited to wheel tracks at least two (2) feet wide.

For one-family through four-family dwellings, and ~~for townhouses with garage doors that face and front on a public street~~, driveways that access a public street in front yards shall be no more than twelve (12) feet in width, except that a driveway may be up to four (4) feet wider than the garage door within 30 feet of the garage door. The total amount of paving for surface parking spaces for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1000) square feet, whichever is less.

[Any driveway that accesses a public street should meet the same standard, regardless of whether the garage faces the street.]

...

**Chapter 65. Zoning Code - Land Use Definitions and Development Standards**

**ARTICLE VII. 65.900. ACCESSORY USES**

**Sec. 65.910. Accessory use or accessory.**

A building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

- ...
- (p) ~~Radio and television receiving antennas including satellite receiving dishes, or short wave transmit/receive antennas designed for dispatching or use with household electronic equipment including "ham" radio equipment, subject to the regulations in section 62.117.~~

**Sec. 65.911. Antenna, radio and television receiving.**

A wire, set of wires, metal or carbon fiber element(s), including no more other than one (1) satellite dish antennas three (3) meters or less in diameter, used to receive radio, television or electromagnetic waves, and including the supporting structure thereof, permitted as accessory uses in all zoning districts.

Standards and conditions:

- (a) Accessory antennas shall not be erected in any required yard, except a rear yard, and shall be set back a minimum of three (3) feet from all lot lines.
- (b) Guy wires or guy wire anchors shall be set back a minimum of one (1) foot from all lot lines.
- (c) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district.

**Sec. 65.912. Antenna, short-wave radio transmitting and receiving.**

A wire, set of wires or a device, consisting of a metal, carbon fiber or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof, permitted as an accessory use in all zoning districts.

Standards and conditions:

See section 65.911. Antenna, radio and television receiving.

[The amendments to §§ 65.910-65.912 above clarify the code as it is being administered under the provisions of § 63.121. the standards and conditions for these accessory uses are moved here from § 63.121 in Chapter 63 Regulations of General Applicability so that the definitions and standards for these uses are together.]

**Secs. 65.913 – 65.9149. Reserved.**

**Sec. 65.915. Hot tub, outdoor.**

Standards and conditions:

All yards containing hot tubs shall be secured as required in section 65.923(e) or shall have a cover which shall be locked when the hot tub is not in use. A hot tub shall be located at least three (3) feet away from any lot line.

[The use of a hot tub is not likely to produce the noise and splashing associated with a swimming pool; therefore, the setback requirements for a hot tub could be lessened. The proposed language codifies DSI's interpretation that the word "pool" only applies to a swimming pool, and that a hot tub must meet the setback requirement of an accessory use.]

**Secs. 65.916 – 65.919. Reserved.**

**Sec. 65.922. Support services in housing for the elderly.**

Support services within elderly housing as defined in section 65.1231 including limited food service, beauty salon and retail goods and sales areas.

*Development standard in residential districts:*

Support service areas shall not exceed five (5) percent of designated community room area.

[Corrects typos.]

**Sec. 65.923. Swimming pool, outdoor.**

A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.

[Definition moved here from § 60.220.]

*Standards and conditions:*

- (a) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the swimming pool wall for aboveground pools. For in-ground swimming pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (b) There shall be a distance of not less than four (4) feet between the outside swimming pool wall and any building located on the same lot.
- (c) A swimming pool shall not be located in a required front or side yard, less than ten (10) feet from any street or alley right-of-way, or in a public easement.
- (d) A hot tub shall not be located in a required front or side yard, less than three (3) feet from any lot line, or in a public easement.
- (e) All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.

[There is confusion over whether the regulations for swimming pools and hot tubs in § 63.120 apply to swimming pools only or to both swimming pools and hot tubs. The definition of swimming pool as having a capacity of 5,000 or more gallons and thus not including hot tubs gets lost in Sec. 60.220. List *swimming pool* and *hot tub* as separate uses in Article 65.900, Accessory Uses, which along with the definition of *swimming pool* will avoid confusion about what regulations apply to swimming pools and what applies to hot tubs.]

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

MINOR ZONING TEXT AMENDMENTS

WHEREAS, the Saint Paul Zoning Code is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(b) of the Zoning Code authorizes the Saint Paul Planning Commission to initiate amendments to the code; and

WHEREAS, the current Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, contains minor text errors that should be corrected and language regarding a variety of topics that should be clarified; and

WHEREAS, a zoning study was initiated on December 5, 2008 to propose minor text amendments to the Zoning Code to enhance the legibility and utility of the code; and

WHEREAS, a Planning Commission public hearing on the identified minor text amendments for Chapters 60 and 61 of the Saint Paul Legislative Code was held on December 5, 2014, notice of which was published in the *Legal Ledger* and sent to the City's Early Notification System; and

WHEREAS, the Planning Commission referred the draft minor zoning text amendments to the Neighborhood Planning Committee for consideration, review of the public hearing testimony, and recommendation; and

WHEREAS, the Neighborhood Planning Committee, on February 4, 2015, forwarded its recommendations to the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED, under provisions of Minnesota Statutes §462.367 and Legislative Code §61.801, that the Planning Commission hereby recommends to the Mayor and City Council the minor text amendments to Chapters 60 through 65 of the zoning code detailed in the draft minor text amendments package dated February 5, 2015; and

BE IT ALSO RESOLVED, that the Planning Commission directs the Planning Administrator to forward the following draft minor zoning text amendments to the Mayor and City Council for their review and adoption.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_